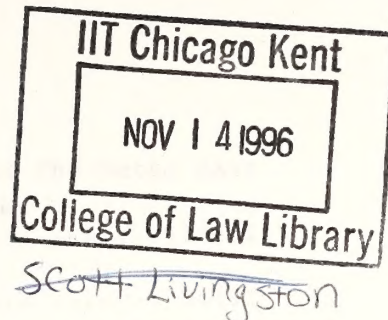


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**1996**

# ***Illinois Register***

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## **Rules of Governmental Agencies**

Volume 20, Issue 45 — November 08, 1996

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## TABLE OF CONTENTS

November 8, 1996 Volume 20, Issue 45

### PROPOSED RULES

#### AGRICULTURE, DEPARTMENT OF

Fairs Operating Under The Agricultural Fair Act

8 Ill. Adm. Code 260 .....14298

#### ALCOHOLISM AND SUBSTANCE ABUSE, DEPARTMENT OF

Subacute Alcoholism and Substance Abuse Treatment Service

77 Ill. Adm. Code 2090 .....14324

#### COMMUNITY COLLEGE BOARD, ILLINOIS

Administration Of The Illinois Public Community College Act

23 Ill. Adm. Code 1501 .....14353

#### INSURANCE, DEPARTMENT OF

Prior Notification Of Dividends On Common Stock And Other  
Distributions

50 Ill. Adm. Code 855 .....14362

#### TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

The Administration and Operation of the Teachers' Retirement System

80 Ill. Adm. Code 1650 .....14368

#### TRANSPORTATION, DEPARTMENT OF

Aviation Safety

92 Ill. Adm. Code 14 .....14383

### ADOPTED RULES

#### CHILDREN AND FAMILY SERVICES, DEPARTMENT OF

Rate Setting

89 Ill. Adm. Code 356 .....14390

#### INSURANCE, DEPARTMENT OF

Construction And Filing Of Accident And Health Forms

50 Ill. Adm. Code 2001 .....14405

#### NATURAL RESOURCES, DEPARTMENT OF

Consignment Of Licenses, Stamps And Permits

17 Ill. Adm. Code 2520 .....14417

#### POLLUTION CONTROL BOARD

Operation And Record Keeping

35 Ill. Adm. Code 607 .....14423

Organic Material Emission Standards And Limitations For The Chicago  
Area

35 Ill. Adm. Code 218 .....14428

Organic Material Emission Standards And Limitations For The Metro East Area

35 Ill. Adm. Code 219 .....	14462
Primary Drinking Water Standards	
35 Ill. Adm. Code 611 .....	14493

REVENUE, DEPARTMENT OF

Income Tax

86 Ill. Adm. Code 100 .....	14617
Uniform Penalty And Interest Act	
86 Ill. Adm. Code 700 .....	14632

STATE POLICE MERIT BOARD, DEPARTMENT OF

Procedure Of The Department Of State Police Merit Board

80 Ill. Adm. Code 150 .....	14640
-----------------------------	-------

JOINT COMMITTEE ON ADMINISTRATIVE RULES

Second Notices Received .....	14646
-------------------------------	-------

EXECUTIVE ORDERS AND PROCLAMATIONS

PROCLAMATIONS

96-427 Duchossoise Center for Advanced Medicine Day (Revised) .....	14647
96-520 Messenger Lewis Day .....	14647
96-521 SECA Month .....	14647
96-522 American-Belgian Friendship Day .....	14648
96-523 Country Music Day .....	14648
96-524 Dr. Emmett C. Burke Day .....	14649
96-525 Key Club Week .....	14649
96-526 LaSalle Banks Chicago Marathon Week .....	14650
96-527 Quality Month .....	14650
96-528 Slovenian Day .....	14651
96-529 Standard Mutual Insurance Company Day .....	14651
96-530 Vernon R. Loucks, Jr. Day .....	14651
96-531 World Food Day .....	14652
96-532 Community Coordinated Child Care, 25 Years for Children Day .....	14652
96-533 Family and Consumer Sciences Week .....	14653
96-534 George Khoury Association of Baseball League Inc. Day .....	14653
96-535 Helen and Lawrence McTaggart Congratulated .....	14653
96-536 Sparta International Printing Company Day .....	14654
96-537 Toys for Tots Month .....	14655
96-538 A Day for Angels: Angelman Syndrome Awareness Day .....	14655
96-539 Cosmetology Month .....	14656
96-540 Dr. Theodore Charles Stone Day .....	14656
96-541 Family Federation for World Peace Day .....	14657



96-542	Ringland-Johnson Commended .....	14657
96-543	World Population Awareness Week .....	14657
96-544	Alice and Stan Andrews Congratulated .....	14658
96-545	Family Prayer Week .....	14658
96-546	Mexican American Chamber of Commerce Day .....	14659
96-547	Osteopathic Medicine Week .....	14659
96-548	Phantom Regiment Drum and Bugle Corps Congratulated .....	14659
96-549	Student Council Week .....	14660
96-550	University Laboratory High School Day .....	14660

ISSUES INDEX.....I-1

**Editor's Note:** The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are as follows:

April 19, 1996 - Issue 16: Through	March 31, 1996
July 19, 1996 - Issue 29: Through	June 30, 1996
October 18, 1996 - Issue 42: Through	September 30, 1996
January 17, 1997 - Issue 3: Through	December 31, 1996 (Annual)

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Dec. 26, 1995	Jan. 2, 1996	2	Jan. 12, 1996	July 2, 1996	July 9, 1996	29	July 19, 1996
Jan. 2, 1996	Jan. 9, 1996	3	Jan. 19, 1996	July 9, 1996	July 16, 1996	30	July 26, 1996
Jan. 9, 1996	Jan. 16, 1996	4	Jan. 26, 1996	July 16, 1996	July 23, 1996	31	Aug. 2, 1996
Jan. 16, 1996	Jan. 23, 1996	5	Feb. 2, 1996	July 23, 1996	July 30, 1996	32	Aug. 9, 1996
Jan. 23, 1996	Jan. 30, 1996	6	Feb. 9, 1996	July 30, 1996	Aug. 6, 1996	33	Aug. 16, 1996
Jan. 30, 1996	Feb. 6, 1996	7	Feb. 16, 1996	Aug. 6, 1996	Aug. 13, 1996	34	Aug. 23, 1996
Feb. 6, 1996	Feb. 13, 1996	8	Feb. 23, 1996	Aug. 13, 1996	Aug. 20, 1996	35	Aug. 30, 1996
Feb. 13, 1996	Feb. 20, 1996	9	Mar. 1, 1996	Aug. 20, 1996	Aug. 27, 1996	36	Sept. 6, 1996
Feb. 20, 1996	Feb. 27, 1996	10	Mar. 8, 1996	Aug. 27, 1996	Sept. 3, 1996	37	Sept. 13, 1996
Feb. 27, 1996	Mar. 5, 1996	11	Mar. 15, 1996	Sept. 3, 1996	Sept. 10, 1996	38	Sept. 20, 1996
Mar. 5, 1996	Mar. 12, 1996	12	Mar. 22, 1996	Sept. 10, 1996	Sept. 17, 1996	39	Sept. 27, 1996
Mar. 12, 1996	Mar. 19, 1996	13	Mar. 29, 1996	Sept. 17, 1996	Sept. 24, 1996	40	Oct. 4, 1996
Mar. 19, 1996	Mar. 26, 1996	14	Apr. 5, 1996	Sept. 24, 1996	Oct. 1, 1996	41	Oct. 11, 1996
Mar. 26, 1996	Apr. 2, 1996	15	Apr. 12, 1996	Oct. 1, 1996	Oct. 8, 1996	42	Oct. 18, 1996
Apr. 2, 1996	Apr. 9, 1996	16	Apr. 19, 1996	Oct. 8, 1996	Oct. 15, 1996	43	Oct. 25, 1996
Apr. 9, 1996	Apr. 16, 1996	17	Apr. 26, 1996	Oct. 15, 1996	Oct. 22, 1996	44	Nov. 1, 1996
Apr. 16, 1996	Apr. 23, 1996	18	May 3, 1996	Oct. 22, 1996	Oct. 29, 1996	45	Nov. 8, 1996
Apr. 23, 1996	Apr. 30, 1996	19	May 10, 1996	Oct. 29, 1996	Nov. 4, 1996 (Mon.)	46	Nov. 15, 1996
Apr. 30, 1996	May 7, 1996	20	May 17, 1996	Nov. 4, 1996	Nov. 12, 1996	47	Nov. 22, 1996
May 7, 1996	May 14, 1996	21	May 24, 1996	Nov. 12, 1996	Nov. 19, 1996	48	Dec. 2, 1996 (Mon.)
May 14, 1996	May 21, 1996	22	May 31, 1996	Nov. 19, 1996	Nov. 26, 1996	49	Dec. 6, 1996
May 21, 1996	May 28, 1996	23	June 7, 1996	Nov. 26, 1996	Dec. 3, 1996	50	Dec. 13, 1996
May 28, 1996	June 4, 1996	24	June 14, 1996	Dec. 3, 1996	Dec. 10, 1996	51	Dec. 20, 1996
June 4, 1996	June 11, 1996	25	June 21, 1996	Dec. 10, 1996	Dec. 17, 1996	52	Dec. 27, 1996
June 11, 1996	June 18, 1996	26	June 28, 1996	Dec. 17, 1996	Dec. 23, 1996 (Mon.)	1	Jan. 3, 1997
June 18, 1996	June 25, 1996	27	July 5, 1996	Dec. 23, 1996	Dec. 31, 1996	2	Jan. 10, 1997

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).



## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Fairs Operating Under the Agricultural Fair Act

2) Code Citation: 8 Ill. Adm. Code 260

3) Section Numbers: Proposed Action:

260.5	Amended
260.10	Amended
260.15	Amended
260.30	Amended
260.35	Amended
260.40	Amended
260.45	Amended
260.50	Amended
260.55	Amended
260.60	Amended
260.65	Amended
260.70	Amended
260.75	Repealed
260.80	Amended
260.85	New Section
260.95	Amended
260.100	Amended
260.110	Amended
260.117	Amended
260.207	New Section
260.210	Amended
260.215	Repealed
260.220	Amended
260.305	Amended
260.310	Amended
260.415	Amended
260.515	Amended
260.525	Amended
260.540	New Section

4) Statutory Authority: Agricultural Fair Act [30 ILCS 120]

5) A Complete Description of the Subjects and Issues Involved: Proposed amendments include: Exhibitors' social security numbers are required for receipt of premiums. Premium checks can be mailed when they have been properly signed for. Fairs are allowed to set monetary amount spent on trophies. Fair associations have more flexibility in setting entry fees. Geographical groupings for fairs other than county and world are allowed.

If recommended by the county fair's veterinarian and requested by fair management, early dismissal (prior to three day requirement) of livestock may be granted by the Bureau of County Fairs and Horse Racing (Bureau) for the following reasons: disease outbreak, severe hot weather, or other

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENT

existing conditions which may result in the deaths of livestock. The Bureau may also grant early dismissal of livestock and other exhibits upon recommendation of fair management in the case where facilities have been lost due to fire, wind or heavy rain damage to tents and barns, or loss of electrical power, or if facilities cannot accommodate livestock due to space limitations.

Categories are changed in several departments--classification of exhibit--including the addition of Goats and Llama Department and Miscellaneous Department, adding Ratites to Poultry and Rabbits and Western Horse Events to Light Horse and Equine Races.

Fairs are given more flexibility in numbering types of exhibits within each department to allow for future expansion of classes or breeds. Fairs are allowed to follow United States Trotting Association or National Jockey Club requirements for entry into horse races. Fairs are allowed to interpret more broadly what qualifies as Light Horse and Western Horse categories. Fairs are allowed to use current classification as defined by breed organizations when determining classes for livestock shows. Registration papers are required for all purebred livestock. Age requirement is defined for eligibility for junior shows as the age requirement for competition set by the 4-H program administered by the Cooperative Extension Service in Illinois. Educational exhibits are added s a class in junior shows.

Fairs are allowed to supply information required for State reports by computer printout or other electronic data transfer system if approved by the Bureau. Language defining use of pro rata monies to match language in Act is changed. Fairs are required to submit a Declaration of Intent for use of rehabilitation monies to provide quicker, more efficient turn around of these monies as they become available. The initial purchase or upgrade of computer, printer and related items if done on or after April 17, 1996 is added to the eligible list for rehabilitation fund reimbursement. The reimbursement rate is changed for rehabilitation projects to match current language in the Act. Itemized bills, receipts and/or copies of cancelled checks for rehabilitation projects are required to be submitted by June 15 in the fiscal year for which the projects are to be reimbursed. The Major Building Projects Section is being repealed. A current copy of lease of ground is required as part of the Declaration of Intent filed by Fairs Operating Under the Fair and Exposition Fund.

A Section is added which explains administrative hearings, contested cases, petitions and administrative procedures.

6) Will this rulemaking replace any emergency rulemaking currently in effect?  
No

7) Does this rulemaking contain an automatic repeal date? No



## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENT

- 8) Does this rulemaking contain incorporations by reference? No
- 9) Are there any other proposed rulemakings pending on this Part? No
- 10) Statement of Statewide Policy Objectives: This rulemaking does not affect units of local government.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: A 45-day written comment period for receiving comments from the public will begin on the day the notice of rulemaking appears in the *Illinois Register*. Written comments should be sent to the attention of:

Debbie Wakefield  
Department of Agriculture  
State Fairgrounds  
P.O. Box 19281  
Springfield, IL 62794-9281  
217/785-5713 or FAX: 217/785-4505

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Illinois county fair associations and agricultural societies.

B) Reporting, bookkeeping or other procedures required for compliance: In Section 260.207, a Declaration of Intent must be submitted to the Department in order to be eligible for reimbursement for rehabilitation projects.

C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: July 1996

The full text of the Proposed Amendment begins on the next page:

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENT

TITLE 8: AGRICULTURE AND ANIMALS  
CHAPTER I: DEPARTMENT OF AGRICULTURE  
SUBCHAPTER J: FAIRS

## PART 260

## FAIRS OPERATING UNDER THE AGRICULTURAL FAIR ACT

## SUBPART A: FAIRS OPERATING UNDER THE AGRICULTURAL PREMIUM FUND

Section  
260.5  
260.10  
260.15  
260.20  
260.25  
260.30  
260.35  
260.40  
260.45  
260.50

Definitions  
Appropriations  
Declaration of Intent  
State Aid Payable on the Authorized Base;  
Denial of State Aid Claim (Repealed)  
Premiums and Receipts for Premiums Paid  
Stall or Pen Fees  
Entry Fees  
County Fair Organization and Operation  
Exhibits and Livestock; Presence on the Fairgrounds and Early Release Procedure

260.55  
260.60  
260.65  
260.70  
260.75  
260.80  
260.85  
260.90  
260.95  
260.100  
260.105  
260.110  
260.115  
260.117

Premium Book  
Horse Racing -- Harness and Running  
Heavy Horses  
Light Horses and Western Horses  
Western Horse Shows (Repealed)  
Livestock Classification  
Registration Papers (Repealed)  
Inspections and Inspectors Reports (Repealed)  
Junior Shows  
A State Aid Report  
Growth Incentive Program  
Pro Rata (Grant) Payments and Justification  
Petitioning for Base Adjustments (Repealed)  
Administrative Rules (Formal Administrative Hearings, Contested Cases, Petitions, and Administrative Procedures)

## SUBPART B: FAIRS

## PARTICIPATING IN THE REHABILITATION FUND

Section  
260.200  
260.205  
260.207  
260.210  
260.215  
260.220

Appropriation  
Ownership of Grounds  
Rehabilitation Declaration of Intent  
Rehabilitation Claims  
Major Building Projects (Repealed)  
A Rehabilitation Report



## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENT

## 260.225 Pro Rata Payments and Justification

SUBPART C: PROCEDURES FOR PARTICIPATION  
IN THE 4-H FUND

Section  
260.300 Appropriation and Eligibility  
260.305 A 4-H Claim Report  
260.310 Pro Rata Payment and Justification

SUBPART D: PROCEDURES FOR PARTICIPATION  
IN THE VOCATIONAL AGRICULTURE FUND

Section  
260.400 Appropriation  
260.405 Eligibility for Premiums  
260.410 List of Premiums Sent to Bureau  
260.415 Financial Statement  
260.420 Pro Rata Payments  
260.425 Fiscal Accounting (Repealed)

SUBPART E: FAIRS OPERATING UNDER THE  
FAIR AND EXPOSITION FUND

Section  
260.500 Appropriation (Repealed)  
260.505 Eligibility  
260.510 Ownership or Leasing of Grounds  
260.515 Declaration of Intention  
260.520 Transfer of Funds  
260.525 Distribution of Funds, Declaration of Intention, Penal Bond, and Audit

260.530 Expenditure of Funds  
260.535 Accumulation of Funds for Major Building Projects  
260.540 Administrative Rules (Formal Administrative Hearings, Contested Cases, Petition, and Administrative Procedures)

**AUTHORITY:** Implementing and authorized by the Agricultural Fair Act [30 ILCS 120].

**SOURCE:** Rules and Regulations Governing Fairs Operating Under The Agricultural Fairs Act, filed December 6, 1977, effective January 1, 1978; codified at 5 Ill. Reg. 10529; amended at 6 Ill. Reg. 4109, effective April 6, 1982; amended at 9 Ill. Reg. 3233, effective March 1, 1985; amended at 10 Ill. Reg. 7654, effective April 28, 1986; amended at 11 Ill. Reg. 10175, effective May 15, 1987; amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART A: FAIRS OPERATING UNDER THE

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENT

## AGRICULTURAL PREMIUM FUND

## Section 260.5 Definitions

"Act" means the Agricultural Fair Act [30 ILCS 120] (111--Rev--Stat-19057--ch--057--par--651--et--seq--7).

"Bureau" means the Bureau of County Fairs and Horse Racing, Department of Agriculture, Administration-Building, State Fairgrounds, P.O. Box 19281, Springfield, Illinois 62794-9281 62706. The telephone number for the Bureau is 217/782-7411.

"Class" is a group, set or kind of animal or exhibit which shares common attributes (e.g., Herefords, Belgians, Dorset, Hamburg, championship, milk and cream, Duroc, barrows, corn, apples, arrangement arrangement, clothing, and ceramics).

"Department" means a general grouping of animal species or general categories of exhibits. Departments are listed in Section 260.55(a)(2).

"Premium number" means the number assigned to the class or the event.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 260.10 Appropriations

a) Eligibility of fair associations or agricultural societies to participate in appropriations from the Agricultural Premium Fund shall be as set forth in Sections 3, 5 and 7 of the Act. Any newly organized fair association or agricultural society must receive an appropriation for their first year's fair as set forth in Section 6 of the Act, and in subsequent years the Department of Agriculture shall include the appropriation for that fair as part of its the Department's annual budget.

b) Appropriations made to the Department of Agriculture for disbursement to fair associations or agricultural societies shall not be used to pay for personnel, premiums and expenses of acts which are primarily for the entertainment of persons (e.g., grandstand shows, variety acts, bands, clowns, queen contests, showmanship events, machinery shows, demolition derbies derbies, parades, balloon races, auto races, motorcycle races, human races, baton twirling, bocce ball, and amateur contests), except for those exhibits and events relating to agriculture as identified in Section 9 of the Act. 4-H Club fairs and exhibitions receive an appropriation in accordance with Section 14 of the Act and, therefore, 4-H Club classes do not qualify for



## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENT

reimbursement of State Aid for premiums paid.

- c) *Appropriations shall not be used for salaries of officers of the fair or for personnel hired or contracted for by the fair officers* (Sections 9 and 22 of the Agricultural Fair Act, 30 ILCS 120/9 and 22 ~~Ill-Rev-Stat-1985-ch-857-pars-659-and-672~~).

- d) Contributions, such as money, ribbons, trophies, rosettes, blankets, or wreaths, made by and/or expenses incurred by persons or organizations sponsoring events or classes, other than the fair association or agricultural society, are not eligible for State Aid.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 260.15 Declaration of Intention

- a) On or before December 31 of the year preceding the year in which a fair association or agricultural society will participate in the Agricultural Premium Fund appropriation, the fair association or agricultural society shall file a Declaration of Intention with the Bureau. The Bureau shall mail Declaration of Intention forms to each fair association or agricultural society that participated in the previous year's appropriation and to any newly organized fair that receives an appropriation in accordance with Section 6 of the Act. Failure to receive this form shall not relieve the fair association or agricultural society from filing the Declaration of Intention.

- b) The following information shall be submitted on the Declaration of Intention:

- 1) Names and addresses of the fair's officers.
- 2) The location of the fair.
- 3) The dates of exhibition.
- 4) The approximate amount of premiums to be offered in each department and the maximum amount of premiums to be offered by the fair.
- 5) Estimated costs of trophies, ribbons and rosettes, including engraving, for those classes that are eligible for State Aid in accordance with Section 9 of the Act.
- 6) Name, address and telephone number of the person who is responsible for filing the State Aid report if this person is other than the secretary of the fair association or agricultural society.
- 7) Which Division (Division I or Division II) shall be used for the 100% reimbursement of the first \$2,000. This reimbursement may be divided on a 50/50 basis or any combination thereof between the two divisions. If this information is omitted, the 100% reimbursement of the first \$2,000 shall be taken in Division I.
- 8) Signatures of the officers (i.e., President, Secretary and Treasurer) of the fair association or agricultural society.

- c) The Declaration of Intention shall be notarized by a notary public.

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENT

- d) The secretary or the designated contact person for the fair shall notify the Bureau in writing when changes occur in the fair's officers and/or the person designated as the contact person.

- e) Once the Declaration of Intention is filed with the Bureau, the dates of exhibition may be changed only due to an emergency or because the wrong dates were submitted. Before the fair association or agricultural society may change the dates of exhibition or advertise such change, the fair association or agricultural society must notify the Bureau in writing and request the dates of the fair be changed, giving the new dates and the reason for such change. The Bureau shall approve the change in the dates when an emergency exists (e.g., the fair cannot get a carnival, events conflict with a neighboring fair or the State Fair, rehabilitation or repair projects are not completed, or severe weather caused destruction to the facilities) or if the change in the dates will avoid conflict with neighboring fairs or the State Fair.

- f) Before any change is made in the amount of premiums offered in the fair's program from that amount as originally submitted on the Declaration of Intention, the fair association or agricultural society shall request approval of such change in writing from the Bureau. Within 10 days after the receipt of the fair's request, the Bureau shall notify the fair secretary or designated contact person of the Bureau's decision on whether to permit a change in the amount of premiums offered. The Bureau shall approve changes in the amount of premiums offered when the number of participants in or lack of participation in classes indicates such change is needed or when costs, such as for trophies, ribbons, rosettes, or engraving, were omitted from the Declaration of Intention.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 260.30 Premiums and Receipts for Premiums Paid

- a) All premiums shall be paid by the fair association or agricultural society to the winners and persons who placed in each class prior to the filing of the State Aid report. A receipt(s) showing the amount of each premium paid and the exhibitor's social security number shall be signed by the exhibitor who won or placed in the class and was paid the premium(s). If the exhibitor is unable to personally pick up the premium money, the person picking up or mailing the check money shall sign the exhibitor's name and address and write "by" and his or her name and address. Falsifying a receipt by someone else signing the exhibitor's name, except as provided above, or obtaining signed receipts before premiums are paid shall result in denial of State Aid for the amount of that premium.

- b) All receipts for premiums paid shall accompany the State Aid report in support of claims. If, in a few cases, the secretary or the person



## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENT

designated to file the State Aid report is unable to obtain a signed receipt, the cancelled check or a photostatic copy of the cancelled check shall be attached to the unsigned receipt. The cancelled check (or copy of the cancelled check) shall remain as a part of the State Aid report and shall not be returned to the fair association or agricultural society. The original of the receipt shall accompany the State Aid report, a copy of the receipt shall be given to the exhibitor, and a copy of the receipt shall be retained for two years by the fair association or agricultural society.

c) Each exhibitor's page of the receipt shall be totaled separately. The receipts shall be kept separated according to each department.

d) State Aid will be paid on a maximum of two premiums awarded to the same exhibitor under the same premium number. Where only one exhibit is entered in a class, the exhibit shall be declared first place and be paid the first place premium. Except for stake races in Division II, only one premium shall be eligible for reimbursement of State Aid in each sweepstake or champion class. State Aid shall be paid on a maximum of ten (10) placings under any one premium number. Premiums awarded under the Danish system (where premiums are based upon the number of entrants) or group system of placing are not eligible for State Aid. The premium amounts must be on a graduated scale.

e) The costs of ribbons, rosettes and trophies, including engraving, are eligible for State Aid when they are awarded in classes that are eligible for State Aid. An itemized invoice(s) showing only the items as before stated that are eligible for State Aid shall accompany the State Aid report. Invoices for trophies, ribbons, or rosettes must show the business from which they were purchased. Where the ribbon, rosette, trophy and/or the engraving on the trophy is paid by an organization or person sponsoring the event, these costs are not eligible for State Aid. The maximum amount that is eligible for State Aid--reimbursement--for--each--trophy--is--\$75.00--including--the--cost--of--engraving--if--the--costs--exceed--the--maximum--amount--a--deduction--shall--be--made--from--the--claim--for--those--costs--that--exceed--the--maximum--amount--f) Items--such--as--entry--tags--tickets--advertising--and--advertising--supplies--are--not--eligible--for--State--Aid--but--are--eligible--for--reimbursement--under--Pro-Rata--(Section--260-110)--

g) In order to qualify for premiums, entries must show in their proper classes (i.e., according to age, sex, breed, or other qualifications as established for the exhibit or event by the fair association or agricultural society; five-gaited horses cannot show as three-gaited, and polled herefords cannot show in the horned hereford class). Combining of classes, such as the polled herefords with the horned herefords, will disqualify such combined classes for State Aid, except where the classes were advertised as combined classes in the premium book.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENT

## Section 260.35 Stall or Pen Fees

Stall or pen fees shall be set by the fair association or agricultural society. Stall or pen fees must be published in the premium book (see Section 260.55) and once they are published they cannot be changed. The minimum number of days that is to be included in the stall or pen fee will be three (3) days. The fair association or agricultural society may set stall or pen fees as one sum which will cover all the days of the fair. The maximum stall or pen fee that may be charged shall be set by the by a fair association or agricultural society is \$10 per day.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 260.40 Entry Fees

a) An entry fee shall not be more than 10% of the purse offered under one premium number, nor more than 75% of the smallest premium offered. Where either percentage is violated, the amount of the excess entry fee that was charged shall be deducted from the amount of premiums paid in that particular class when determining State Aid reimbursement. Entry fees for overnight horse races shall not exceed 3% of the advertised purse. The maximum entry fee that can be charged by a fair association or agricultural society shall not exceed \$10 for agricultural exhibits or livestock shows, \$25 for tractor pull classes and \$25 for equine classes, including horse racing.

b) The amount of the entry fee charged must be printed in the premium book for each department and shall be shown separately from stall or pen fees that are charged by the fair association or agricultural society. The entry fee shall be for each class entered and not for each animal.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 260.45 County Fair Organization and Operation

a) A fair association or agricultural society may be open to the world or confined to the county or an adjacent county or counties contiguous thereto or other defined grouping of counties. Open and confined classes are acceptable in the equine contests, tractor pull classes, the coit races, and individual departments which merit special dispensation (i.e., confined classes that do not have sufficient exhibitors to hold the classes shall be opened to the world). The Department of Agriculture shall grant written permission upon receipt of written request for any exceptions to this rule, unless the premium books have been printed.

b) All events and exhibits in order to be eligible for State Aid must be



## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENT

held on the fairgrounds during the advertised dates of the fair.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 260.50 Exhibits and Livestock; Presence on the Fairgrounds and Early Release Procedure

a) Exhibits are required to be in place and livestock is required to be on the fairgrounds for a minimum of three days, except for 4-H Club shows, Junior Shows, and one-day shows, such as Western Horse show, Steer show or Barrow show. The number of days the exhibit or livestock must be on the fairgrounds shall be indicated in the Premium Book (see Section 260.55). If recommended by the county fair's veterinarian and requested by fair management, early dismissal of livestock may be granted by the Bureau for the following reasons: disease outbreak, severe hot weather, or other existing conditions which may result in the deaths of livestock. The Bureau may also grant early dismissal of livestock and other exhibits upon recommendation of fair management in the case where facilities have been lost due to fire, wind or heavy rain damage to tents and barns, or loss of electrical power, or if facilities cannot accommodate livestock due to space limitations if the exhibit or livestock will not be required to be on the fairgrounds three days. Early dismissal of livestock or exhibits shall be granted by the Bureau upon request of the fair management when there is need for additional stalls to accommodate livestock arriving at the fairgrounds, disease outbreak has been reported, severe hot weather conditions are present which may result in deaths of livestock, facilities are lost (e.g., fire, wind or heavy rain damage to tents and barns, or loss of electrical power) or in order for the exhibitors to participate in other county or State fairs.

b) Junior shows shall comply with Section 260.95(c) 260.95(d) regarding the presence of livestock and exhibits on the fairgrounds.

c) 4-H Club shows shall comply with Section 260.300 regarding the presence of livestock and exhibits on the fairgrounds.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 260.55 Premium Book

a) A premium book showing the classes of exhibits and the premiums offered for each class must be made available by the fair association or agricultural society to the public upon request and a copy sent to the Bureau at least 10 days prior to the opening day of the fair and another copy shall accompany the State Aid Report. The premium book shall contain the following information:

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENT

1) The total amount of premiums that are offered in each department.

2) Each department shall be identified as follows:

Department A - Beef Cattle  
 Department B - Dairy Cattle  
 Department C - Heavy Horse  
 Department D - Equine Pulling Contest  
 Department E - Jacks, Jennets and Mules  
 Department F - Sheep and Goats  
 Department G - Swine  
 Department H - Junior Department - Livestock  
 Department I - Poultry, and Rabbits, and Ratites  
 Department J - Agricultural Products  
 Department K - Horticulture  
 Department L - Floriculture  
 Department M - Fine Arts and Textiles (Fine arts may be designated as M-1 and textiles as M-2)  
 Department N - Education and Natural History  
 Department O - Dairy, Apiary and Culinary  
 Department P - Junior Department (other than Livestock)  
 Department Q - Tractor Pulls and Pick-up Truck Pulls and Miscellaneous

#### Miscellaneous:

Department R - Light Horse and Western Department - Equine Events and Races

Class S - Harness Races

Class T - Running Races

Department U - Goats and Llamas

Department V - Miscellaneous

Department Z - Rodeos

3) The class number. The first class in the premium book shall be numbered 1 and the remaining classes numbered consecutively throughout the department entire book. Numbers may be left blank to allow for future expansion of classes or breeds.

4) The entry requirements and the graduated premiums offered for each class.

5) The maximum number of days that the exhibits or livestock must remain on the fairgrounds.

6) The time and date for the release of livestock and exhibits.

7) Stall or pen rent charged.

8) Entry fee charged.

b) All fairs will not be considered a part of a premium book. Therefore all departments and classes must be published in the premium book to be eligible for State Aid.

c) Should it be necessary to make corrections in the premium book after it is printed, these corrections must be made available to the public and must be indicated on the copy which accompanies the State Aid report.

d) Department I shall include other birds that are raised in domestic production or for exhibition purposes, such as pigeons, pheasants,



## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENT

- guineas, peafowl, ostrich, rheas, and emus.
- e) Any classes, such as tractor pulls or other agricultural events, that do not come under Departments A through Z as listed in Section 260.55(a)(2) shall be listed under Department V g.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 260.60 Horse Racing -- Harness and Running**

- a) In order to qualify for State Aid, harness horse races shall be confined to standardbred horses; running horse races shall be confined to thoroughbred and quarter horses. Quarter horse races are reported under Department-Equine Races, Class T, on the State Aid report.

- b) Both harness and running race entries on overnight events (three horse runs in one day's races and stays on the fairgrounds one night) must close by 10:00 A.M. the day before the race will be held.

- b)c) Entry fees shall be as set forth in Section 260.40. Stall fees shall conform with Section 260.35.

- c)d) Contributions, such as money, blankets, ribbons, wreaths, trophies, rosettes or engraving, made by other persons or organizations (e.g., colt associations, the promoter of the races, the State Fair, or Standardbred and Thoroughbred Breeding and Racing Programs) are not eligible for State Aid. The actual amount of monies expended for horse racing by a fair association or agricultural society is eligible for State Aid reimbursement. Horse racing entry fees may be included in the amount requested for State Aid reimbursement.

- d)e) The party paid the purse shall sign the receipt(s) showing each purse and total purse won. The receipt(s) shall be submitted with the State Aid report.

- e)f) A racing program marked to indicate the placings in each race shall accompany the State Aid report.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 260.65 Heavy Horses**

In order for an event to qualify for State Aid, heavy purebred horses (draft horses) shall be registered with a national registry association, as evidenced by a certificate of registry. It shall be the responsibility of the county fair association or agricultural society to check registration certificates. Heavy horses shall be listed in Department C on the State Aid report (see Section 260.55(a)(2)).

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENT

**Section 260.70 Light Horses and Western Horses**

- a) Light horses shall be confined to five-gaited horses, hunters and jumpers, Roadsters, Pine-Harness (five-gaited horses), Hackney Ponies and Ponies of Morgans, Heavy-Harness, Shetland, Welch and Hackney Ponies, Ponies of America, and Tennessee Walking Horses (five-gaited horses). In order to qualify for State Aid, a purebred western or light horse in the above-listed classification shall be registered with a national registry association, as evidenced by a certificate of registry. It shall be the responsibility of the county fair association or agricultural society to check registration certificates.

- b) Light or western horses shall be listed in Department R on the State Aid report (see Section 260.55(a)(2)).

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 260.75 Western Horse Shows (Repealed)**

- a) Western or Stock Horses showing in the following classifications are eligible for State Aid: Working-Class (heavy and light), Parade Classes, both single and pair, Palomino-Class, Equitation-Class, Handy-Horse (weaving in and out), Musical-Chairs, Boot-Scramble, Saddle-Scramble, Flag-Race, Barrel-Race, Rescue-Race, one (1) class of Gait-Roping and Cutting-Horse or any other classification printed in the Premium-Book.

- b) Variations of the classifications listed in Section 260.75(a) may be made in each classification in order to complete a program (e.g. singles, pairs, ladies' classes, men's classes and juniors).

- c) Western shows are included in the Light-Horse-Department (R) on the State Aid report (see Section 260.55(a)(2)).

(Source: Repealed at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 260.80 Livestock Classification**

- a) Unless herd, flock or group classes of livestock are defined by the fair association or agricultural society by other criteria and such criteria are published in the premium book, the fair association or agricultural society may follow the current classifications as defined by the national breed organizations. the following standard classifications shall be used:

1) Cattle

A) Graded-Herd: Bull over 3 years old, cow 3 years old and over, heifer 2 years old and under 3, heifer 1 year old and under 3, heifer calf under 1 year old.

B) Yearling-Herd: Bull and 2 heifers, 1 year old and under 2.



## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENT

- 2) ~~Calf-Herd-Bull-and-2-heifers-under-1-year-old-~~  
~~B) Get-of-Sire-3-animals-of-any-age-or-sex-~~  
~~B) Product-of-Dam-2-animals-of-any-age-or-sex-~~  
 2) Heavy-Horses  
 A) Get-of-Sire-2-animals-of-any-age-or-sex-  
 B) Product-of-Dam-2-animals-of-any-age-or-sex-  
 C) Station-and-2-mares-any-age-
- 3) Sheep  
 A) Ploek-Ram-any-age-ewe-2-years-or-over-ewe-1-year-and  
 under-27-ewe-under-1-year-  
 B) Pen-3-lams-under-1-year-  
 C) Young-Ploek-yearling-ram-or-ram-lamb-and-2-yearling-ewes-or  
 2-ewe-lams-
- 4) Swine  
 A) Get-of-Sire-3-animals-of-any-age-or-sex-get-of-one-sire-  
 B) Product-of-Dam-4-heads-either-sex-under-1-year-by-one-sow-  
 C) Young-Herd-Boar-and-2-sows-under-3-years-
- b) Poultry classifications shall be limited to the popular farm varieties and ratites in the area where the county fair is held in order to be eligible for State Aid as determined by the county fair association or agricultural society. Poultry classifications shall be published in the premium book.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 260.85 Registration Papers (repeated)

Registration papers are required for all purebred livestock.

(Source: Old Section repealed at 9 Ill. Reg. 3233, effective March 1, 1985; new Section added at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 260.95 Junior Shows

- a) Junior Shows are eligible for State Aid only if they are open to boys and girls who meet the age requirement for competition set by the 4-H program administered by the Cooperative Extension Service in Illinois are--at-least-eight-(8)-years-old-or-in-third-grader-prior-to-January 1-of-the-year-in-which-they-will-show-and-they-will-not-be-twenty (20)-years-of-age-until-after-December-31-of-the-year-in-which-they will-show. The same classes which are eligible for State Aid in the open show are eligible for State Aid in the Junior Show. All animals (i.e., individual, herd or flock classes) shown in Junior Shows must be the property of the boys or girls showing them. If the same animals are shown in both the open classes and Junior Show, they shall be shown under the same exhibitor's name (for example, the father is

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENT

- not permitted to show an animal in the open class and the son or daughter show the same animal in the Junior Show).
- b) ~~Group-showings-or-placings-in-Junior-Shows-are-not-eligible-for--State Aid-~~
- b)c) A fair that is composed entirely of Junior Show classes and does not have open classes shall use the standard department classifications (e.g., Department A - Beef Cattle) as stated in Section 260.55(a)(2). However, fairs that have both Junior and open classes shall report livestock showing in the Junior Show in Department H and all other Junior Show classes, such as poultry, agricultural products, horticulture, floriculture, educational, fine arts and textiles, dairy products, apiary and culinary, shall be reported in Department P.
- c)d) Where the county board elects to have strictly a Junior Show, livestock and exhibits must be on the fairgrounds on the opening day of the fair until the close of the fair, unless earlier release of the livestock is authorized by the Bureau. Where both a Junior Show and open show are held, livestock and exhibits entered in the Junior Show shall follow must-be-on-the-fairgrounds-the-opening-day-of-the-Junior Show-until-the-close-of-the-Junior-Show--unless-early-release-is authorized-by-the-Bureau--The-Bureau-shall-use the standards set forth in Section 260.50(a) when-deciding-whether-to-permit-an-earlier release-of-livestock-and-exhibits.
- d)e) Junior Show classes must be separate and distinct classes from the open show classes and the Junior Show dates shall appear on the Declaration of Intention.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 260.100 A State Aid Report

- a) In accordance with Section 12 of the Act, the State Aid report shall be filed in person or postmarked before October 15 of each year.
- b) The Bureau shall mail each fair association or agricultural society two (2) copies of the State Aid report form to be used in submitting the information required by Sections 10 and 12 of the Act. One copy of the report should be retained by the fair association or agricultural society for their records.
- c) Receipts for trophies, ribbons, rosettes, engraving and premiums paid as outlined in Section 260.30 shall accompany the State Aid report.
- d) The receipts for each department must be accompanied by an adding machine tabulation, tabulated in chronological order, showing the premiums paid and the total for each department. This information may be supplied by computer printout or other electronic data transfer systems if approved by the Bureau.
- e) In order for the Bureau to prepare and publish a recapitulation report which can be used by a fair in evaluating its program and for planning next year's fair, as well as for the Department of Agriculture and the



## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENT

Illinois General Assembly to use to evaluate appropriation needs, the following information shall be submitted by the fair association or agricultural society on the State Aid report:

- 1) The year for which the report is being submitted.
- 2) The name of the fair association or agricultural society (exactly how the check should be made out).
- 3) The city or town where the fair was held.
- 4) County where the fair was held.
- 5) The names, titles (if applicable) and mailing address for all officers and directors of the fair association or agricultural society.
- 6) The date the fair was organized.
- 7) The date the fair association or agricultural society was incorporated, if applicable.
- 8) The number of acres in the fairgrounds and whether the fairgrounds are owned or leased. If the fairgrounds are leased, the number of years remaining under the terms of the lease and the expiration date of the lease.
- 9) The cash value of the grounds and improvements.
- 10) The dates the fair was held.
- 11) Verification statement that exhibitors have been paid in full.
- 12) Estimated attendance and gate admission fees charged.
- 13) Name of carnival.
- 14) The Grand Summary shall include a breakdown of the following information for each department listed in Section 260.55(a)(2):
  - A) Number of animals or articles shown.
  - B) Amount of premiums offered.
  - C) Entry fees collected.
  - D) Amount of premiums paid.
- 15) Totals for the information requested in Section 260.100(e)(14) for each division and the grand total.
- 16) A financial statement for the current year showing receipts, expenditures and the total operating profit or loss. The amount of money spent for real estate and capital or permanent improvements for the current year shall also be provided.

f) No one department or class shall be paid premiums awarded in excess of 30% of the total premiums awarded by the fair [30 ILCS 120/9] (quoted from Ill.-Rev.-Stat.-1993--ch--85--par---659). The grand total of Column 4 (Amount of Premiums Paid Each Department) on the Grand Summary is the amount on which the 30% is figured. The grand total of Column 4 shall not exceed the grand total as shown on the Declaration of Intention. The Bureau shall deduct from the grand total that amount in excess of the amount shown as the grand total on the Declaration of Intention.

g) Income shown on the financial statement shall include gate admission, grandstand admission, auto parking, stall and pen fees, fees paid by concessionaires, commercial exhibits and the carnival, entry fees, estimated State Aid for the current year, estimated rehabilitation aid

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENT

for the current year, aid from the county, if any, rental fees for the buildings and grounds for periods other than the fair, and any other income that was received by the fair but not included in the other categories mentioned. Borrowed money shall not be reported as income. Expenses of the fair shall include premiums paid, costs of grounds improvements, charges for music and attractions, judges' and assistants' fees, administrative and office payrolls, personnel expenses for gates, grandstand help, policy and parking vehicles, general and common labor payrolls, advertising expenses including the costs of the premium book, federal admission tax paid and other operating expenses, such as interest on indebtedness, that were not listed in the categories mentioned. The financial statement on file with the Department of Agriculture is subject to audit by auditors investigating Department of Agriculture accounts.

h) The State Aid report shall be notarized by a notary. The President and the Secretary of the fair association or agricultural society shall sign the report.

i) The State Aid report shall be personally delivered or mailed by first class, registered or express mail to the Bureau. The report should be wrapped securely and placed in the expanding folder which was sent to the fair association or agricultural society by the Bureau. A premium book shall accompany the State Aid report (see Section 260.55). This information may also be supplied by computer printout or other electronic data transfer systems if approved by the Bureau.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 260.110 Pro Rata (Grant) Payments and Justification

a) If after State Aid and/or Growth Incentive payments have been made there remain any funds in the appropriations, pro rata (grant) payments shall be made to all fairs that are participating in the State Aid program in accordance with Section 10(c) of the Act. This payment will be made after all eligible claims are paid from the Growth Incentive Program.

b) All fairs receiving pro rata (grant) payments are required to file with the Bureau a fiscal accounting of the expenditure of these grant monies. This accounting will be due at the same time each fair files its State Aid Report (Section 260.100(a)) of the year in which such monies were received.

c) Pro rata (grant) monies received by a fair association or agricultural society shall only be used for:

- 1) Premiums and Awards (including that amount in excess of the grand total on the Declaration of Intention, if any, that was deducted as set forth in Section 260.100(f)).
- 2) Judges' Fees
- 3) Veterinarian Fees



## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENT

- 4) ~~Interest-Payments~~  
 5) ~~Utilities--such as telephone, electricity, and water~~  
 6) ~~Rent-Rentax~~  
 7) ~~Liability Insurance~~  
 3) Other expenses incurred by the fair association or agricultural society which are directly related to the operation of the fair (e.g., manure and rubbish removal, rental of garbage containers, entry tags, advertising, supplies, tickets, and printing of premium books).
- d) Pro rata (grant) monies shall not be used for rehabilitation purposes (see Subpart B of the rules of this Part).
- e) Pro rata (grant) money shall not be used to reimburse expenses incurred by and/or contributions made by other persons or organizations in promoting the fair.
- f) Section 22 of the Act prohibits pro rata (grant) money from being used to pay salaries.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### Section 260.117 Administrative Rules (Formal Administrative Hearings, Contested Cases, Petitions, and Administrative Procedures)

All decisions of the Department of Agriculture in implementing these rules are subject to the Illinois Administrative Procedure Act [5 ILCS 100] (411--Rev. Stat--1991--ch--127--par--101-1-et-seq) and the Department's rules of the Department of Agriculture pertaining to administrative hearings as promulgated thereunder (8 Ill. Adm. Code 1).

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### SUBPART B: FAIRS PARTICIPATING IN THE REHABILITATION FUND

##### Section 260.207 Rehabilitation Declaration of Intent

- a) In order to be eligible for reimbursement for rehabilitation projects, each fair association or agricultural society must submit a Declaration of Intent for these funds to the Bureau.
- b) The following information shall be submitted on the Declaration of Intent:
- 1) Signatures of the officers (i.e., President, Secretary and Treasurer) of the fair association or agricultural society.
  - 2) Description of equipment purchases and repairs and maintenance with projected costs.
  - 3) Amount projected for casualty and liability insurance (this should not include personal liability insurance).
  - 4) Descriptions of construction or purchase of permanent facilities

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENT

- and systems stored on the fairgrounds, including the projected costs.
- 5) Amount to be paid for labor on the grounds.
- 6) Amount to be paid for interest on loans (operating loans are not eligible).
- 7) Amounts to be spent and descriptions of building materials and supplies.
- c) The Declaration of Intent shall be notarized by a notary public.

(Source: Added at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

#### Section 260.210 Rehabilitation Claims

- a) Rehabilitation claims may include the cost of both materials and labor expended for rehabilitation of the fairgrounds, its buildings, facilities and for construction projects. Maintenance and/or repair projects shall include improvements made for the purpose of restoring and/or maintaining the fairgrounds, buildings and facilities for long term uses.
- b) The purchases of tractors, drags, water wagons and other equipment used to maintain or repair the track, show arenas, the grounds or buildings, and the initial purchase or upgrade of a computer, printer and related items if done on or after April 17, 1996, are eligible for rehabilitation reimbursement in an amount equal to 50% of the total price for such equipment. The Department of Agriculture shall reimburse fair associations for equipment that is necessary for the maintenance and repair of projects, except computer equipment, that have received rehabilitation reimbursement. Any repairs to this equipment shall also be reimbursed 50% of the total amount of the repair costs. The reimbursement rate for the total of all above expenses shall be 100% of the first \$5,000 and 75% of the next \$20,000. Equipment purchased with rehabilitation funds shall remain on the fairgrounds at all times. When a fair association or agricultural society disposes of such equipment, it shall notify the Bureau in writing. If during an inspection by a Department of Agriculture inspector, this equipment is not found on the fairgrounds and notice of disposal is not on file with the Bureau, the Bureau shall send written notice that repayment is due and the fair association or agricultural society shall repay to the State Treasury within 30 days from receipt of the notice that portion of rehabilitation funds spent on the purchase of said equipment that was not found on the fairgrounds, regardless of the fiscal year in which the equipment was purchased.
- c) Rehabilitation claims for maintenance, repairs, and purchase of equipment shall cover expenditures made during the period July 1 to June 15 of the fiscal year for which the report is being submitted.
- d) Premiums paid for general liability and casualty insurance are



## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENT

eligible for rehabilitation reimbursement. Premiums for personal liability insurance are not eligible for rehabilitation reimbursement. d) On rehabilitation projects, a fair association or agricultural society shall adhere to the provisions of the Illinois State Purchasing Act [30 ILCS 505] (Ill. Rev. Stat. 1903, ch. 137, par. 132-1 et seq.).

e) Itemized bills, receipts and/or copies of cancelled checks for rehabilitation projects must be submitted by June 15 in the fiscal year for which the projects are to be reimbursed.

f) The amount carried over shall not exceed seven years as in accordance with Section 13 of the Act.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 260.215 Major Building Projects (Repealed)

a) For major building projects which qualify for rehabilitation reimbursement for a period longer than one year, the fair association or agricultural society shall submit with the rehabilitation report a copy of blueprints, contracts, job specifications and pending institution notes relating to the major building project. The Bureau shall approve major rehabilitation projects based upon the standards used for approving rehabilitation claims (Section 260.210) and as stated in Subpart B.

b) Major building projects in excess of \$25,000 per year shall be reimbursed in accordance with the provisions of Section 13 of the Act. Major building projects include construction of new buildings and facilities, new construction and rehabilitation of existing buildings and facilities or entire rehabilitation of existing buildings grounds and facilities.

(Source: Repealed at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 260.220 A Rehabilitation Report

a) A fair association or agricultural society shall file with the Bureau by June 15 of each year a rehabilitation report on forms furnished by the Bureau. If there is any question as to whether certain expenditures are eligible for reimbursement of rehabilitation monies in accordance with Section 13 of the Act, the fair association or agricultural society may contact the Bureau for approval of the claim prior to actually committing funds. A copy of the rehabilitation report should be retained by the fair association or agricultural society for its files.

b) The following information shall be submitted on the rehabilitation report:

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENT

1) The year for which the report is submitted.  
2) The name and address of the fair association or agricultural society.

3) The county where the fair was held.

4) The date the fair association or agricultural society was organized and the date of incorporation, if applicable.

5) The current value of real estate and improvements made to the fairgrounds.

6) The name, title and address of the officers and directors of the fair.

7) The number of acres in the fairgrounds and whether the fairgrounds are owned or leased by the fair association or agricultural society.

8) If the fairgrounds are leased, the number of years remaining under the terms of the lease and the date of expiration of the lease.

9) Each project shall be listed separately on the report along with the cost of the project.

c) If the rehabilitation report includes expenditures for major building projects, the total amount of the major building project, the number of years that expenditure will be eligible for rehabilitation reimbursement in accordance with Section 13 of the Act, the year the project began, and the number of years that have elapsed since it was approved shall be reported on the rehabilitation report.

d) Itemized bills as evidence of expenditures shall accompany the rehabilitation report. Receipts and/or copies of cancelled checks for cancelled checks indicating that payments of bills have been made by the fair association or agricultural society issued by the persons who performed the services or from whom the equipment was purchased shall also accompany the rehabilitation report. The itemized bills and receipts of payments submitted with the rehabilitation report will not be returned as they are a permanent part of the rehabilitation report.

e) The rehabilitation report shall be signed by the president and secretary of the fair association or agricultural society and shall be notarized. The rehabilitation report shall be personally delivered or mailed by first class, express or registered mail to the Bureau by June 15. This information may also be supplied by computer printout or other electronic data transfer systems if approved by the Bureau.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART C: PROCEDURES FOR PARTICIPATION IN THE 4-H FUND

## Section 260.305 A 4-H Claim Report

a) The County Extension Advisor, Agriculture, shall certify to the State "4-H" Club officer under oath, on a blank form furnished by



## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENT

*the Department, the amount paid out in premiums--by department at the show or shows for the current year, and the name of the officer or organization making the payments and the number of members enrolled for the current year. This certification shall be accompanied by itemized receipts as evidence of the certified amounts, and it must be filed with the Department before December 31 of each year amount--of winnings--of--each-participant [30 ILCS 120/14] (quoted-from--iii--Rev-Stat--1983--ch--85--par--664). If the County Extension Advisor, Agriculture, is unavailable, an authorized representative of the Cooperative Extension Service may sign the 4-H claim report. A copy of the premium book or premium list shall accompany the 4-H claim report.*

- b) This report must be filed with the Bureau before December 31st of each year.
- c) The 4-H claim report shall also include a fiscal accounting of the expenditure of pro rata money, if any, that was received by the 4-H Club during that calendar year. Justification of the expenditure of pro rata funds shall be based upon expenses incurred for the show that was held in the year in which the pro rata money was actually received by the 4-H Club.
- d) Payment of eligible claims shall be mailed to the organization named on the 4-H claim report, in care of the person designated on the report as the Extension Adviser, Agriculture.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 260.310 Pro Rata Payment and Justification

- a) If there remains any amount in the appropriation for 4-H Clubs 4-Steps after all eligible claims are paid, this amount will be prorated in accordance with Section 14 of the Act.
- b) A fiscal accounting of pro rata monies received by the 4-H Club shall be made in accordance with Section 260.305. Pro rata payments may be used only for the following purposes:
- 1) Premiums paid in excess of the per member amount as established in the annual appropriation bill for the Department of Agriculture in the fiscal year for which the report is being submitted. Contributions made by other persons or organizations sponsoring events or classes are not eligible for pro rata reimbursement.
  - 2) Ribbons, rosettes, trophies, engraving, and entry forms for 4-H classes.
  - 3) Judges' fees in excess of the \$400 allotted per county.
  - 4) Printing of premium Books.
  - 5) Additional secretarial help needed to help with the show (salaries and expenses of county extension personnel do not qualify for pro rata reimbursement).

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENT

- 6) Rental of facilities and rental and/or purchase of equipment for conducting 4-H shows or exhibitions, such as buildings, tents, and equipment needed for the show.
- c) Any pro rata money not utilized by the 4-H Club or spent for purposes other than as set forth in Section 260.310(b) shall be reimbursed to the Department of Agriculture within 15 days from the time written notice is received from the Bureau indicating the amount of reimbursement due.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART D: PROCEDURES FOR PARTICIPATION  
IN THE VOCATIONAL AGRICULTURE FUND

## Section 260.415 Financial Statement

- a) Within 30 days after the close of the fair, a financial statement showing all premiums awarded to vocational agricultural students at that fair shall be forwarded to the Bureau by the State Board of Education [30 ILCS 120/16] (iii--Rev-Stat--1983--ch--85--par--666). The report shall be completed in triplicate on forms furnished by the Bureau. One copy of the report is for the vocational agricultural section fair manager and another copy is for the State Board of Education. The original of the report shall be sent to the Bureau. The report shall include the following information:
- 1) The section number of the fair.
  - 2) The dates the fair was held.
  - 3) The location of the fair.
  - 4) The total awards that were distributed.
  - 5) The name and address of the school.
  - 6) The agricultural occupations teacher's name, title, and address should be listed under the name of the school.
  - 7) Student's name and address (listed only once) with a listing of winnings for that student and a total of all amounts won. All the students who have won premiums from that school should be listed under the name of their agricultural occupations teacher.
- c) As vouchers are prepared directly from this financial statement, a blank space should be left between each student's total winnings in order to set them apart.
- d) The financial statement shall be signed by the vocational agricultural section fair manager and notarized by a notary public.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

SUBPART E: FAIRS OPERATING UNDER THE  
FAIR AND EXPOSITION FUND



## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENT

## Section 260.515 Declaration of Intention

- a) On or prior to December 31 of the year previous to participating in the Fair and Exposition Fund, the fair shall file with the Bureau on forms furnished by the Bureau a Declaration of Intention. The following information shall be submitted on and/or accompany the Declaration of Intention:
- 1) Information on the fair's organization.
  - 2) Dates of the fair.
  - 3) Location of the fair.
  - 4) The amount of money requested from the Fair and Exposition Fund for the purposes listed in Section 20 of the Act.
  - 5) Number of acres in the fairgrounds and whether they are owned or leased. If the fairgrounds are leased, the number of years remaining under the terms of the lease and date of expiration of the lease.
  - 6) Whether an agricultural fair will be held in connection with the fair and exposition fair.
  - 7) The names and addresses of the treasurer and secretary of the fair and exposition fair.
  - 8) A current copy of the lease of ground, unless it is owned.
- b) The Declaration of Intention shall be signed by the secretary of the fair and exposition fair and notarized by a notary public.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 260.525 Distribution of Funds, Declaration of Intention, Penal Bond, and Audit

- a) As soon after January 1<sup>st</sup> as is practical practicable and after the receipt of the Declaration of Intention containing all the requested information, distribution of Fair and Exposition funds will be made by the Bureau.
- b) A detailed schedule, plans and specifications, as applicable, shall be submitted with the Declaration of Intention in accordance with Section 21 of the Act.
- c) Each participant in Fair and Exposition funds shall file a penal bond in accordance with Section 18 of the Act at the same time as it files a Declaration of Intention. The penal bond shall show the effective date, the termination date, and contain a clause that upon cancellation of the bond, the Bureau shall be notified in writing at least 30 days prior to the date of cancellation by the company issuing a penal bond. In the case where the fair and exposition participant requests the bond be cancelled, the participant shall also notify the Department of Agriculture of such request at the same time as it notifies the company that issued the bond.
- d) Not later than January 15 after the calendar year that the fair

## DEPARTMENT OF AGRICULTURE

## NOTICE OF PROPOSED AMENDMENT

participated in the Fair and Exposition fund the fair shall cause a full and complete audit to be made of its books and records by a certified public accountant or a firm of certified public accounts. The audit shall show the itemized expenditures made of the funds received from the Fair and Exposition Fund, as well as revenue derived the expenditures made by the fair in accordance with Section 21 of the Act. The audit shall be filed with the Bureau prior to the release of any further funds to the Fair and Exposition participant. It ~~and it~~ shall be accompanied by a receipt showing the amount of each premium paid and the exhibitor's social security number, and the receipt shall be signed by the exhibitor or his agent ~~signed-and-itemized-receipts~~. e) The maximum claim that any fair and exposition participant may receive from the Fair and Exposition Fund shall be determined in accordance with Section 18 of the Act.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 260.540 Administrative Rules (Formal Administrative Hearings, Contested Cases, Petitions, and Administrative Procedures)

All decisions of the Department of Agriculture in implementing these rules are subject to the Illinois Administrative Procedure Act [5 ILCS 100] and the rules of the Department of Agriculture pertaining to administrative hearings as promulgated thereunder (8 Ill. Adm. Code 1).

(Source: Added at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

## NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Subacute Alcoholism and Substance Abuse Treatment Services

2) Code Citation: 77 Ill. Adm. Code 2090

3) Section Numbers: Proposed Action:

2090.10	Amend
2090.20	Amend
2090.30	Amend
2090.35	Amend
2090.40	Amend
2090.50	Amend
2090.60	Amend
2090.70	Amend
2090.80	Amend
2090.90	Repeal
2090.100	Repeal
2090.105	Renumber and amend
2090.110	Renumber and amend

4) Statutory Authority: The Alcoholism and Other Drug Dependency Act [20 ILCS 301].

5) Description of the Subjects and Issues Involved: These amendments incorporate emergency amendments currently in effect and also merge all enrollment, certification and recertification Sections into one Section. Changes have also been made to correct any inconsistencies contained in this Rule as a result of the recent adoption (October 3, 1996) of the Department's new substance abuse treatment and intervention licensing rule, Part 2060.

6) Will this proposed rule replace an emergency rule currently in effect?  
Yes - 77 Ill. Adm Code 2090-20 Ill. Reg. 12489 - 9/13/96.

7) Does this proposed rule making contain an automatic repeal date? No

8) Does this proposed rule contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of statewide policy objectives: It is not anticipated that these proposed rules will necessitate any local government to establish, expand or modify its activities in such a way as to cause additional expenditures from local revenues.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: Written comments shall be directed to the attention of:

## DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

## NOTICE OF PROPOSED AMENDMENTS

Norma Seibert, Administrator  
Division of Licensing and Monitoring  
Department of Alcoholism and Substance Abuse  
222 South College, 2nd Floor  
Springfield, IL 62704  
217/782-0686  
TDD: 217/524-5103  
FAX: 217/785-0954

12) Initial regulatory flexibility analysis:

A) Types of small business, small municipalities and not-for-profit organizations affected: Businesses providing substance abuse treatment that are certified by the Department to bill for Medicaid reimbursement for such services.

B) Reporting, bookkeeping and other procedures required for compliance: Patient and client records, personnel files, procedure manuals, quality improvement plans and statistical reporting manually or electronically relative to services provided.

C) Types of professional skills necessary for compliance: Professional certification through the Illinois Alcoholism and Other Drug Abuse Professional Certification Association (IAODAPCA) or appropriate and relevant licensure through the Department of Professional Regulation.

13) Regulatory agenda on which this rule making was summarized: This rule was not included on either of the two most recent agendas because: We were uncertain of the adoption date of Part 2060 or if, or when, the current emergency amendments could be filed.

The full text of the Proposed Amendments begins on the next page:

## DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

## NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH  
 CHAPTER X: DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE  
 SUBCHAPTER 9: MEDICAID PROGRAM STANDARDS

## PART 2090

## SUBACUTE ALCOHOLISM AND SUBSTANCE ABUSE TREATMENT SERVICES

Section	Purpose
2090.10	Definitions
2090.20	Medicaid Certification/Enrollment/Recertification
2090.30	General Requirements
2090.35	Reimbursable Services
2090.40	Quality Improvement Utilization-Review
2090.50	Client Records Recordkeeping
2090.60	Rate Setting
2090.70	Rate Appeals
2090.80	Inspections
2090.90	Application--and--Certification--Process--for--Medicaid Providers
2090.100	Sanctions for Non-Compliance/Audits Recertification
2090.105	Inspections (Renumbered)
2090.110	Sanctions for Non-Compliance/Audits (Renumbered)

AUTHORITY: Implementing and authorized by Section 5-10 of the Alcoholism and Other Drug Abuse and Dependency Act [20 ILCS 301/5-10].

SOURCE: Adopted at 11 Ill. Reg. 2236, effective January 14, 1987; emergency amendments at 12 Ill. Reg. 11273, effective June 30, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 20061, effective November 26, 1988; emergency amendments at 15 Ill. Reg. 10222, effective June 25, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 16662, effective November 1, 1991, amended at 16 Ill. Reg. 11807, effective July 14, 1992; amended at 18 Ill. Reg. 14223, effective September 2, 1994; amended at 19 Ill. Reg. 9411, effective July 1, 1995; amended at 19 Ill. Reg. 10454, effective July 1, 1995; emergency amendment at 20 Ill. Reg. 12489, effective August 30, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## Section 2090.10 Purpose

- The requirements set forth in this Part establish criteria for participation by subacute alcoholism and other drug abuse treatment programs in the Illinois Medical Assistance Program (89 Ill. Adm. Code 148.340).
- The Department of Alcoholism and Substance Abuse (the Department), acting on behalf of the Department of Public Aid, shall certify the eligibility of applicants for participation who meet these requirements.

## DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

## NOTICE OF PROPOSED AMENDMENTS

- These requirements are in addition to licensure standards established in 77 Ill. Adm. Code 250, (Hospital Licensing Requirements) and 77 Ill. Adm. Code 2060 2058 (Licensure of Alcoholism and Substance Abuse Treatment and Intervention Licenses and Research Programs), and are for the purpose of assuring that Medicaid recipients shall receive quality services in accordance with 42 CFR 440 and 456.
  - These requirements shall be used by the Department for certification, recertification, and periodic inspection of providers participating in the Medical Assistance Program.
  - In addition to the duties of the Department above, the Department shall also allocate monies within its budget, which shall be for the purpose of reimbursement to certified providers for Medicaid eligible services, as described herein on behalf of the Illinois Department of Public Aid (IDPA). The Department shall, together with and by agreement with IDPA, provide for such reimbursement out of such funds.
- (Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## Section 2090.20 Definitions

The following definitions shall apply to this Part:

"Adolescent": A person who is at least twelve years of age and under eighteen years of age A--client--who--has--reached-his/her--twelfth birthday--but--has--not--yet--reached-his/her--eighteenth--birthday.

"Benefit Year": The State fiscal year.

"Client": Any person who is eligible to receive services under one of the following categories: Aged, Blind, and Disabled (AABD); Aid to Families with Dependent Children (AFDC); Medical Assistance, No Grant (WANG); Refugee Repatriate Program (RRP); Title XIX eligible Department of Children and Family Services (DCFS) wards; and persons under the age of eighteen who would qualify for AFDC but do not qualify as dependent children pursuant to 89 Ill. Adm. Code 140.7.

"Clinical Supervision": The review of client treatment and the use of other supervisory techniques for the purposes of assuring that a client's clinical needs are met.

"Department": The Illinois Department of Alcoholism and Substance Abuse.

"Drug-free treatment": Treatment service which does not include the use of methadone, Levo-alpha-methylmethadol (LAMB) or other drugs used for substance abuse treatment.



## DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

## NOTICE OF PROPOSED AMENDMENTS

"Follow-up": A scheduled provider contact with a former client that occurs after the client has been discharged, has been previously specified in the client's treatment and continuing care discharge plan, and occurs for a period of time and at specified intervals. Follow-up is for the purpose of offering the discharged client continuing assistance as necessary to maintain and improve upon the clinical goals achieved during treatment.

"Individualized--Treatment-Plan": A written plan which identifies the care and treatment to be provided to the client based upon documented assessment of his/her problems and needs as well as strengths and resources.

"Physician": A person who is licensed to practice medicine in all its branches under the Medical Practice Act of 1987 [225 ILCS 60].

"Professional Staff": Any person who provides clinical services as defined in 77 Ill. Adm. Code 2060 and who meets the requirements for professional staff as specified in 77 Ill. Adm. Code 2060.309. Professional staff may also be a person determined to be appropriate to deliver the clinical services provided, in accordance with 77 Ill. Adm. Code 250, Subpart W.

"Provider": Any public or private agency, organization, or institution, or unit of State or local government or other legal entity licensed to deliver alcoholism or other drug abuse services according to the requirements specified in 77 Ill. Adm. Code 2060.2058 and enrolled to provide treatment services under the Illinois Medical Assistance Program.

"Psychiatrist": A person licensed to practice medicine in all its branches under the Medical Practice Act of 1987 [225 ILCS 60] and who meets the requirements of Section 1-121 of the Mental Health and Developmental Disabilities Code [405 ILCS 5/1-121].

"Qualified--Alcoholism--and--Other--Drug--Treatment--Professional": A person who has a minimum of 3000 hours of paid formal work experience in the field of alcoholism/substance and/or other drug abuse treatment under clinical supervision including at least 1500 documented hours of direct client service and at least 40 hours of formal training in the field of alcoholism/substance and/or other drug abuse treatment. The supervised and documented direct client service hours shall include the following alcoholism/substance and/or other drug abuse client services and treatment activities: screening, assessment, and evaluation, treatment planning, intervention, referral, activities, client education, case management, and consultation; clinical recordkeeping, and recovery support. Direct treatment activities shall include clinically supervised experience working with

## DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

## NOTICE OF PROPOSED AMENDMENTS

individuals, groups, and families. A qualified alcoholism and other drug treatment professional may also be a physician licensed to practice medicine in all its branches pursuant to the Medical Practice Act of 1987, a person registered as a psychologist pursuant to the Clinical Psychology Practice Act of 1985, a person licensed as a social worker or licensed clinical social worker pursuant to the Clinical Social Work and Social Work Practice Act of 1985, a person holding a master's or higher level degree in counseling, or a person certified by the Illinois Alcoholism and Other Drug Abuse Professional Certification Association (IABAPCA) as a counselor, a "reciprocal" supervisor or "master" in accordance with Certified Alcoholism and Other Drug Abuse Counselor Classifications Eligibility Standards for Certification January 7, 1993, available from the IABAPCA at 1305 Wabash Avenue, Suite 57, Springfield, Illinois 62784. In the case of a licensee under the Hospital Licensing Requirements of 77 Ill. Adm. Code 250, a qualified treatment professional may also be a person determined to be appropriate to deliver the clinical services provided in accordance with 77 Ill. Adm. Code 250. Subpart W.

"Qualified--Alcoholism--and--Other--Drug--Treatment--Supervisor": A person who, in addition to meeting the requirements for a qualified alcoholism and other drug treatment professional, has at least an additional 4000 hours of paid work experience in the field of alcoholism/substance and/or other drug abuse treatment and has at least 10 hours of formal training in the philosophy and techniques of supervision.

"Recommended--by--a--Physician": The physician formulation of approval of or involvement in each client's individualized treatment plan within 14 calendar days from the date of initial services. The physician shall establish or approve a diagnosis of alcoholism and/or other drug abuse for the services in order to be reimbursed as a Medicaid service under this Section. Evidence of the physician's supervision must be documented by the physician's handwritten signature and dated approval of the treatment plan or a signed notation indicating concurrence with the plan of treatment in the client's record. The program shall not use a signature stamp.

"Subacute": The level of care necessary to effectively treat an alcohol and/or other drug abuser's dependency on a chemical without the more intensive measures designed to treat primary medical conditions in an acute care setting (e.g., inpatient hospitalization). Subacute care may be delivered in a facility licensed under the rules for licensure of Alcoholism and Substance Abuse Treatment and Intervention Licenses and Research Programs (77 Ill. Adm. Code 2060.2059) or in a hospital, either of which is certified according to Section 2090.30 2090.90 for purposes of Medicaid reimbursed alcoholism

## DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

## NOTICE OF PROPOSED AMENDMENTS

and/or other drug abuse services.

"Treatment Plan": An individually written plan for a client which identifies the treatment goals and objectives based upon a clinical assessment of the client's individual problems, needs, strengths and weaknesses.

~~"Treatment--Protocol"--Written-policies-and-procedures-which-describe the-client-services-delivered-by-the-program---these-policies--and procedures-must-be-approved-and-signed-by-a-physician-~~

"Under the direction of a physician": Treatment services provided under the direct supervision of a physician who is on staff and continuously directs the provision of care.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 2090.30 Medicaid Certification/Enrollment/Recertification

a) Providers may be certified and recertified by the Department as set forth herein and may enroll for participation in the Illinois Medical Assistance Program as provided in 89 Ill. Adm. Code 148.340(d). Application for Medicaid certification and enrollment for alcoholism and other drug abuse treatment service providers may be made by providers who are:

1) Currently licensed by the Department under the provisions of 77 Ill. Adm. Code 2060 for alcoholism and other drug abuse treatment services described in 77 Ill. Adm. Code 2060.

2) Currently licensed by the Illinois Department of Public Health as a hospital pursuant to 77 Ill. Adm. Code 250 for the treatment services described in 77 Ill. Adm. Code 250.

b) Medicaid Certification

1) Applications for certification may be obtained in person or by writing to:

Illinois Department of Alcoholism and Substance Abuse

160 N. LaSalle, Suite N700

Chicago, Illinois 60601

Attention: Division of Licensing and Monitoring

(312) 814-4718

(312) 419-8432 TDD

or

Illinois Department of Alcoholism and Substance Abuse

222 S. College, 2nd Floor

Springfield, Illinois 62704

## DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

## NOTICE OF PROPOSED AMENDMENTS

Attention: Division of Licensing and Monitoring  
(217) 782-0685  
(217) 524-5103 TDD

2) Applicants for new certification will be accepted from programs or parent organizations of such programs which have been licensed as specified in this Section for at least two years. Applicants shall demonstrate two years of experience in providing quality substance abuse services of the kind for which certification is being requested and for the type of population which will be served.

3) Applicants shall submit documentation of the following:

A) evidence of the need within the community for the type of services to be provided by the program for which certification is sought;

B) description of the organization that will be operating the program;

C) fiscal solvency of the organization;

D) description of the physical facilities to be utilized by the program;

E) description of the program and the clientele it serves;

F) projection of the total number of Medicaid clients to be served each month, the average length of stay anticipated, and the estimated average per person cost of treatment;

G) schedule of the specific dates, times and places services will be provided;

H) number and type of people served during the previous two years in the program for which certification is sought and a description of the people served (demographics, gender, drug of choice, Medicaid eligibility, income level, etc.);

I) name, address and professional qualifications of the program's Medical Director;

J) name and qualifications of each individual who will be staffing the program and a description of that individual's responsibilities with respect to the program;

K) copies of written referral agreements with other social service systems and primary medical care service systems within the applicant's area;

L) copies of linkage agreements with other substance abuse treatment programs within the applicant's area implemented to assure availability of all levels of care as required in 77 Ill. Adm. Code 2060;

M) documentation of the program's quality assurance system and utilization review policy as applied to the program's clinical standards which have been used for the previous two years, with a copy of the two most recent utilization review reports; and

N) measurable outcome evaluation process used for the past two



## DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

## NOTICE OF PROPOSED AMENDMENTS

- years and statistics on the program's client outcomes.
- 4) Applicants who receive funding from the Department shall submit evidence that they are in compliance with 77 Ill. Adm. Code 2030, Subparts D and G and Sections 2030.710 and 2030.740. Applicants who do not receive funding from the Department shall submit copies of the two previous years' annual audits according to the standards established in 77 Ill. Adm. Code 2030.620 and two copies of the statistical and financial data submitted in a format required by the Department.
- 5) Applications which are missing significant components or which have inadequate information shall be returned to the applicant with a statement specifying the missing or inadequate information. Completed applications may be resubmitted. Applications which are missing less significant components may be held by the Department and the applicant notified in writing of the missing information. The applicant may submit only the missing components. The Department shall hold such incomplete applications no more than 30 calendar days.
- 6) Certification is site-specific and services are to be provided on-site, unless they are provided in accordance with the off-site service provisions as set forth in 77 Ill. Adm. Code 2060.203.
- 7) Sites providing 24 hours of services to clients and having more than 16 beds shall not be certified for Medicaid enrollment for other than residential rehabilitation services.
- 8) In order to receive certification for a site having 16 beds or less, a program must meet the following criteria:
- A) be a free-standing program of 16 or fewer beds; or
- B) be within a larger facility, as a distinct unit of 16 beds or less, which:
- i) is licensed;
  - ii) is physically separate from other certified and licensed programs (for example, separated by floors, wings, or other building sections);
  - iii) provides a level of care significantly different in clinical content from other certified and licensed programs (for example, adult versus adolescent care, women versus men, hearing impaired versus non-impaired);
  - iv) has a separate cost center (budgeting, accounting, etc.);
  - v) has separate staffing; and
  - vi) has separate operating policies and procedures.
- 9) Prior to certification, the Department shall conduct an on-site inspection.
- 10) Based upon the on-site inspection and a review of the application for certification, the Department will certify the program if the Department determines that:
- A) the applicant has proven that an unmet need for the services

## DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

## NOTICE OF PROPOSED AMENDMENTS

- exists in the community the program will serve;
- B) the organization operating the program is fiscally sound and responsible;
- C) the program management is experienced in business and in the delivery of substance abuse services;
- D) the program has sufficient written agreements with social, medical and other substance abuse service providers within its area to assure proper linkage of services to an individual;
- E) the program has experience with the Medicaid eligible population it intends to serve;
- F) the program has adequate physical facilities and adequate numbers of professional staff to provide the services;
- G) the program conducts utilization review and has a quality improvement plan; and
- H) the program has a measurable outcome evaluation process in place that provides measurable indicators of improvement by program participants.
- 11) The Department shall notify the applicant in writing of its determination regarding certification.
- A) Approval of Certification/Medicaid Enrollment
- If the Department certifies the program, it shall include the Department of Public Aid's (IDPA) Medicaid enrollment forms with the letter of certification. The applicant shall submit the completed enrollment forms along with a copy of the letter of certification to IDPA. However, providers who have applied for hospital licensure for the first time and hold a provisional hospital license for treatment services are not eligible to apply for Medicaid enrollment for those treatment services.
- B) Denial of Certification
- If the Department is not able to certify the program based on the criteria outlined in this Section, the Department shall notify the applicant in writing, describing those deficiencies that will result in a denial of the certification. The applicant has 60 days after receipt of the notice to correct the deficiencies and supply the new information to the Department. If the new information indicates that the program meets the criteria of this Part, the Department shall certify the applicant. If the program continues to fail to meet the requirements of this Part, the Department shall deny the application for certification. If certification is denied, the applicant may appeal the Department's decision and request a hearing pursuant to 77 Ill. Adm. Code 2000 (Rules of Practice and Procedure in Administrative Hearings).
- 12) Certification shall be effective on the date of approval by the Department and shall remain in effect until the expiration of the

## DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

## NOTICE OF PROPOSED AMENDMENTS

provider's license as required in this Section. Certification is also subject to any sanctions levied under Section 2090.100 of this Part. After the effective date of certification, the provider may deliver services to Medicaid recipients that will be reimbursable after the applicant completes the IDPA Medicaid enrollment procedure.

- 13) When and if a certified provider is no longer licensed as set forth in this Section (whether voluntarily or involuntarily) the certification shall be null and void. Upon proof by the Department's licensing division that the license is no longer in effect, the Department shall notify the provider by certified mail that certification is null and void.

## 14) Recertification

- A) To be eligible for recertification, providers shall be in compliance with all Sections of 77 Ill. Adm. Code 2060 referenced in this Part.

- B) To be eligible for recertification, providers who receive funding from the Department shall be in compliance with 77 Ill. Adm. Code 2030, Subparts D and G and Sections 2030.710 and 2030.740. Providers who do not receive funding from the Department shall submit one copy of all annual audits during the previous certification period, according to the standards established in 77 Ill. Adm. Code 2030.620 (Audit Requirements), and two copies of statistical and financial data submitted on forms required by the Department.

- C) Providers shall apply for recertification at least 90 days prior to the expiration of the provider license.

- D) Providers shall submit a recertification application provided by the Department. In addition, the provider shall submit copies of all utilization review (UR) reports and results of the program's measured outcome evaluations since the date of last inspection.

- E) The Department shall review all documents and the results of the last licensure inspection and shall recertify the program if it complies with the requirements of the Alcoholism and Other Drug Abuse and Dependency Act and this Part.

## 15) Denial of Recertification

If the Department is not able to recertify the program based on its review and inspection, the Department shall notify the applicant in writing, describing those deficiencies that will result in a denial of the recertification. The applicant has 30 days after receipt of the notice to correct the deficiencies and supply the new information to the Department. If the new information indicates that the program meets the criteria of this Part, the Department shall recertify the program. If the program continues to fail to meet the requirements of this Part, the Department shall deny the application for recertification and

## DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

## NOTICE OF PROPOSED AMENDMENTS

shall notify the applicant in writing, giving the reasons for the denial. The provider may appeal the Department's decision and request a hearing pursuant to 77 Ill. Adm. Code 2000 (Rules of Practice and Procedure in Administrative Hearings). Certification shall remain in effect pending the Department's final decision on recertification unless the provider is sanctioned pursuant to Section 2090.100 of this Part. When the denial of recertification is final, the provider shall arrange for transfer of all Medicaid clients of the program as appropriate.

- a) Application for Medicaid enrollment for alcoholism and other drug abuse treatment service providers may be made by providers who are:  
1) Currently licensed by the Department under the provisions of 77 Ill. Adm. Code 2058 for alcoholism and other drug abuse treatment services described in 77 Ill. Adm. Code 2058;

- 2) Currently licensed by the Illinois Department of Public Health as a hospital pursuant to 77 Ill. Adm. Code 250 for the treatment services described in 77 Ill. Adm. Code 250;

- b) Providers who have applied for hospital licensure for the first time and hold a provisional license for treatment services are not eligible to apply for Medicaid enrollment for those treatment services;

- c) Providers shall be certified by the Department as set forth herein and enroll for participation in the Illinois Medical Assistance Program as provided in 99 Ill. Adm. Code 140.340(d);

- d) Certification is site specific and services are to be provided on-site unless there is documentation of need for off-site service as set forth in Section 2090.40(f)(1) and (5); sites providing 24-hour of services to clients and having more than 16 beds shall not be certified for Medicaid enrollment for other than residential rehabilitation services.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 2090.35 General Requirements

- a) To be reimbursable, treatment services shall be provided in compliance with all provisions specified in 77 Ill. Adm. Code 2060. Specifically, physical and professional staff involvement in treatment services shall be in compliance with 77 Ill. Adm. Code 2060.417, 2060.419, 2060.421, 2060.423 and 2060.425. A physician must review and approve the eligible client's diagnosis and treatment plan within fourteen days after initial service. Medical involvement and treatment plan development and review shall be consistent with 77 Ill. Adm. Code 2058.321 (Medical Responsibility) and 2058.333 (Treatment Plans) and 2058.336 (Progress Notes). A qualified treatment professional shall develop and review treatment plans according to the following review times:



## DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

## NOTICE OF PROPOSED AMENDMENTS

- 1) upon admission, transfer, and discharge;  
 2) upon a change in the level of client functioning such as, but not limited to, when treatment plan objectives are met or new problems or needs are identified;  
 3) at times specified for review in the individualized treatment plan;  
 4) at the end of the estimated length of treatment and thereafter on the revised estimate of additional length of treatment; or  
 5) every ninety days, whichever comes first.
- b) The provider shall submit Medicaid claims on a timely basis. Claims shall be submitted as soon after the service date as is reasonable unless there is good cause for later submission. In any event, if a clean claim for a service provided within a State fiscal year fiscal year is not submitted to the State on a timely enough basis to be paid within the State Fiscal Year lapse period, the provider must pursue reimbursement through the Court of Claims. Claims submitted later than 12 months from the date of service shall not be reimbursed by the State. The provider shall only bill for services which are reimbursable.

## c) Information Collection Through DARTS-

- 1) The provider shall report, on a monthly basis, demographic and service system data using the Department's BASA's Automated Reporting and Tracking System (DARTS). The data collected shall be for the purpose of assessing individual client performance and for planning for future service development. Information to be reported by the provider, for each individual served by a program certified under Section 2090.90 of this Part, shall include but is not limited to the following:
- Name, date of birth, gender, race and national origin, family size, income level, marital status, residential address, employment, education and referral source.
  - Special population designation, such as Medicaid eligible clients, women with dependent children, intravenous drug users (IVDUs), DCFS clients, DMHDD clients, and criminal justice clients.
  - Drug/alcohol problem areas treated, characterized by drugs of use, frequency of use, and medical diagnosis.
  - Closing date information, such as the reason for discharging the client from the program.
- 2) The Department shall supply providers with DARTS software.  
 3) Disclosure of information contained within DARTS is governed by the specific provisions of federal regulations under Confidentiality of Alcohol and Drug Abuse Patient Records (42 CFR 2 (1987)).
- d) The reimbursement limits herein shall not be applied in situations where to do so would deny an eligible individual under age 21 from receiving "early and periodic screening, diagnostic and treatment services" (BSPSPT) as defined in 42 USC 1396d(r). Services as set

## DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

## NOTICE OF PROPOSED AMENDMENTS

forth in this Part shall be reimbursable to an eligible individual under age 21 for as long as the services are clinically necessary pursuant to review which is consistent with subsection (a) of this Section.

- e) The reimbursement limits herein shall not be applied where to do so would deny services to a pregnant woman that have been determined to be clinically necessary pursuant to review which is consistent with subsection (a). This exemption from the limits exists during the pregnancy and through the end of the month in which the 60-day period following termination of the pregnancy ends (post partum period), or until the services are no longer clinically necessary, whichever comes first. This exemption shall not apply to a woman who enters treatment services after delivery.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.)

## Section 2090.40 Reimbursable Services

## a) Level I: (formerly Outpatient Services)

## 1) Definition

The provision of treatment services as defined in 77 Ill. Adm. Code 2060.401(b). face-to-face diagnostic and individual or family drug-free treatment services to a client who, in the clinical judgment of a qualified alcoholic and other drug treatment professional, is experiencing a problem with alcohol or other drugs--(terg--family--social--financial--employment educational--and/or legal)--Services are delivered in a Medicaid-enrolled non-residential substance setting. However, outpatient services may be provided at a client's place of residence or other off-site location when required because of illness, disability, infirmity, or problems of accessing care--at a certified program--after--as documented--in the client's individualized treatment plan--This service is designed to reduce or eliminate a client's intake of alcohol and/or other drugs.

## 2) Scope

Outpatient treatment services must be delivered in accordance with a client's individualized treatment plan recommended by a physician. Services shall include but are not limited to assessment, diagnosis and subsequent individual, group or family counseling, case coordination, aftercare, and follow-up.

## 3) Admission Criteria

In the clinical judgment of a qualified treatment professional, clients admitted to an outpatient treatment program must be experiencing problems related to the addictive or abusive use of alcohol and other drugs. Clients admitted must not be actively experiencing psychotic manifestations or other severe mental or

## DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

## NOTICE OF PROPOSED AMENDMENTS

physical--fitness--which--require--immediate--acute--medical--or psychiatric--care--in--addition--clients--must--not--be--intoxicated--or incapacitated--or--in--withdrawal--due--to--the--effects--of--alcohol--or other--substances--A--client's--physical--and--emotional--condition must--allow--him/her--to--function--in--his/her--usual--non--residential settings--

## 4) Staffing-Qualifications

A) Outpatient--services--must--be--delivered--by--qualified alcoholism--and--other--drug--treatment--professionals--as--defined by--this--part--

B) Each--qualified--alcoholism--and--other--drug--treatment professional--providing--treatment--services--must--receive--a minimum--of--four--hours--per--month--of--direct--clinical supervision--delivered--in--no--fewer--than--2--sessions--by--a qualified--alcoholism--and--other--drug--treatment--supervisor--

## 2) Reimbursement

Level I drug-free Outpatient treatment services delivered to clients are Medicaid-reimbursable via the prospective rates in effect as of the date of service (89 Ill. Adm. Code 148.370). Medicaid claims are submitted to the Department and shall meet the requirements of IDPA rules pursuant to 89 Ill. Adm. Code 148.340-148.370 for alcoholism and substance abuse treatment programs (89 Ill. Adm. Code 148.340 through 148.370). The billable outpatient unit of service is a client hour defined as face-to-face counseling with a diagnosed client in an individual, group, or family setting. Reimbursement shall occur by a fee-for-service mechanism, using one client hour as the base unit of service, billable to the nearest quarter-hour. No more than two client-hours shall be reimbursed for any client during a 24 hour period, except that the maximum number of hours may be extended by the program to three during a 24-hour period on an individual basis when circumstances exist which limit accessibility to treatment services. These circumstances, such as significant travel distances, must be documented in the client's individualized treatment plan in instances where the program has extended the client-hours beyond two per 24-hour period no more than two of those client-hours may be reimbursed for group treatment. No more than 40 hours may be reimbursed for an eligible adolescent client per benefit year, and no No more than 25 hours may be reimbursed for an eligible adult client per benefit year.

## b) Level II: (formerly Intensive Outpatient Services)

## 1) Definition

The provision of treatment services as defined in 77 Ill. Adm. Code 2060.401(C), diagnostic services and individual or group drug-free treatment services on an outpatient basis in a Medicaid enrolled subacute setting. This service is designed to reduce or eliminate a client's intake of alcohol and/or other substances.

## DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

## NOTICE OF PROPOSED AMENDMENTS

## 2) Scope

Intensive outpatient treatment services must be delivered in accordance with a client's individualized treatment plan recommended by a physician. Services shall include, but are not limited to assessment, evaluation, diagnosis, and subsequent individualized, group, or family counseling, education, case coordination, aftercare, and follow-up. Intensive outpatient treatment is a structured program offered a minimum of two days or evenings per week (not to exceed 4 hours per 24-hour period) with a range of at least 6 hours but not to exceed 20 hours of treatment by a qualified alcoholism and other drug treatment professional per client per week.

## 3) Admission-Criteria

In the clinical judgment of a qualified treatment professional, clients admitted to an intensive outpatient treatment program must be experiencing problems related to their addictive or abusive use of alcohol and/or other drugs which require a level of care exceeding that available in outpatient treatment. Clients experiencing active psychotic manifestations or other severe mental or physical illness which requires immediate acute medical or psychiatric care should not be admitted to intensive outpatient treatment. In addition, the client shall not be intoxicated, incapacitated or in withdrawal due to the effects of alcohol or other drugs.

## 4) Staffing-Qualifications

At least one qualified alcoholism and other drug treatment professional must deliver at least 50% of direct client treatment services during each treatment session. Additional services may be delivered by specialty staff, such as vocational counselors or activity therapists.

## 2) Reimbursement

Level II drug-free Intensive outpatient treatment services delivered provided to clients are Medicaid reimbursable via the prospective rates in effect as of the date of service (89 Ill. Adm. Code 148.370). Medicaid claims are submitted to the Department, and shall meet the requirements of IDPA rules or alcoholism and substance abuse programs (89 Ill. Adm. Code 148.340 through 148.370). Reimbursement shall occur by a fee-for-service mechanism, using one client session of a minimum of three hours as the base unit of service. No more than one client session shall be reimbursed per 24-hour period. Services for clients enrolled in Level II (intensive outpatient) treatment shall not be reimbursed under the provisions for Level I (outpatient) services. No more than 75 hours shall be reimbursed for an eligible adult client per benefit year.

## c) Level III: (formerly Inpatient/Adolescent Residential Rehabilitation Services)

## 1) Definition-Adolescent Residential Rehabilitation



## DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

## NOTICE OF PROPOSED AMENDMENTS

The provision of treatment services as defined in 77 Ill. Adm. Code 2060.401(d). ~~diagnostic-services--and--individual--or--group~~ Such treatment shall be drug-free ~~treatment--services~~ for adolescents on a scheduled-only residential basis in a Medicaid enrolled hospital subacute setting, or to adolescents in a psychiatric facility or an inpatient program in a psychiatric facility, either of which is accredited by the Joint Commission on Accreditation of Health Care Organizations (JCAHO), One Renaissance Boulevard, Oakbrook Terrace, Illinois 60181. This service is designed to reduce or eliminate an adolescent's intake of alcohol and/or other drugs.

## 2) Scope

Adolescent residential rehabilitation must be delivered in accordance with an adolescent's individualized treatment plan recommended by a physician if in a hospital setting, and under the direction of a physician if in a psychiatric facility. ~~Services--must--include--but--are--not--limited--to--assessment--or--evaluation--diagnosis--and--subsequent--individual--group--or--family--counseling--education--case--coordination--aftercare--and--follow-up--Adolescent--residential--rehabilitation--is--a--structured--residential--treatment--program--offered--seven--days--per--week--and--includes--a--minimum--of--25--hours--of--treatment--per--client--per--week--~~

## 3) Admission-Criteria

~~in-the-clinical-judgement-of-a-qualified-treatment--professional--adolescents--admitted--to--a--residential--rehabilitation--treatment--program--must--be--experiencing--problems--related--to--their--addictive--or--abusive--use--of--alcohol--and/or--other--drugs--which--require--a--level--of--care--exceeding--that--available--in--outpatient--and--intensive--outpatient--treatment--Adolescents--experiencing--active--psychotic--manifestations--or--other--severe--mental--or--physical--illness--which--requires--immediate--acute--medical--or--psychiatric--care--should--not--be--admitted--to--adolescent--residential--rehabilitation--in--addition--the--adolescent--shall--not--be--intoxicated--incapacitated--or--in--withdrawal--due--to--the--effects--of--alcohol--or--other--drugs--~~

## 4) Staffing-Qualification

~~At-least--one--qualified--alcoholism--and--other--drug--treatment--professional--must--deliver--at-least--50%--of--direct--client--treatment--services--during--each--treatment--session--Additional--services--may--be--delivered--by--specialty--staff--such--as--vocational--counselors--or--activity--therapists--~~

## 2)5) Reimbursement

Adolescent residential rehabilitation treatment services delivered provided to clients are Medicaid reimbursable via the prospective rates in effect as of the date of service (89 Ill. Adm. Code 148.370). Medicaid claims are submitted to the Department and shall meet the requirements of IDPA rules for alcoholism and substance abuse treatment programs (89 Ill. Adm.

## DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

## NOTICE OF PROPOSED AMENDMENTS

Code 148.340 through 148.370). Reimbursement shall occur on a per diem basis. Services in an adolescent residential rehabilitation program with over 16 beds shall not be reimbursed under the provisions for Level I (outpatient) or Level II (intensive outpatient) services. ~~No--more--than--40--days--shall--be--reimbursed--in--each--benefit--year--for--an--eligible--client--for--adolescent--residential--rehabilitation--alone--or--in--combination--with--day--treatment--~~

## d) Day-Treatment-Services

## 3)1) Definition-Day Treatment

The provision of treatment services as defined in 77 Ill. Adm. Code 2060.401(d). ~~Drug-free--diagnostic--services--and--individual--or--group--drug-free~~ treatment services on a scheduled-only residential basis by a program licensed pursuant to 77 Ill. Adm. Code 2050.372-376 and certified hereunder as having 16 beds or ~~less~~ fewer as specified in Section 2090.30 of this Part and excluding room and board, meals, night supervision of dormitory areas and other domiciliary support services. Treatment services may be provided to adults and adolescents. ~~to--be--certified--as--having--16--beds--or--less--a--program--must--meet--the--following--criteria--~~

A) ~~be--a--free-standing--program--of--16--or--fewer--beds--or~~

B) ~~be--within--a--larger--facility--as--a--distinct--unit--of--16--beds--or--less--which--~~

i) ~~is--separately--certified--and--licensed--~~

ii) ~~is--physically--separate--from--other--certified--and--licensed--programs--(for--example--separated--by--floors--wings--or--other--building--sections)--~~

iii) ~~provides--a--level--of--care--significantly--different--in--clinical--content--from--other--certified--and--licensed--programs--(for--example--adult--versus--adolescent--care--women--versus--men--hearing--impaired--versus--non-impaired)--~~

iv) ~~has--a--separate--cost--center--(budgeting--accounting--etc)--~~

v) ~~has--separate--staffing--and~~

vi) ~~has--separate--operating--policies--and--procedures--~~

## 2) Scope

~~the--scope--of--services--is--the--same--as--set--forth--in--subsection--(c)(2)--excluding--room--and--board--meals--night--supervision--of--dormitory--areas--and--other--domiciliary--support--services--~~

## 3) Admission-Criteria

~~Admission--criteria--shall--be--the--same--as--those--set--forth--in--subsection--(b)(3)--above--~~

## 4) Reimbursement

Day treatment services shall be reimbursed at an all-inclusive per diem rate as set forth in Section 2090.70(c)(4), available upon certification of the facility and approval of the Illinois

## DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

## NOTICE OF PROPOSED AMENDMENTS

Public Aid State Plan provisions for day treatment by the Federal Health-Care Financing Authority (HCFA). No more than 30 days shall be reimbursed for an eligible adult client and no more than 40 days shall be reimbursed for an eligible adolescent client per consecutive 365 days starting with the first day of a billable service for day treatment alone or in combination with adolescent residential rehabilitation.

## d) Ancillary Psychiatric Diagnostic Services

1) Ancillary psychiatric diagnostic services are limited psychiatric evaluations to determine whether the client's primary condition is attributable to the effects of alcohol or drugs or to a diagnosed psychiatric or psychological disorder. Such an evaluation shall determine the client's primary condition and recommend appropriate treatment services.

2) Reimbursable psychiatric evaluations are limited to a psychiatric evaluation/examination of a client and the exchange of information with the primary physician and other informants such as nurses, counseling staff, or family members and the preparation of a report including psychiatric history, mental status, and diagnosis. This service shall be performed by a psychiatrist.

3) Reimbursable psychiatric evaluations may be delivered to clients admitted to Levels I, II and III care outpatient-intensive outpatient (adolescent residential rehabilitation-intensive or day treatment) where the need for such services is documented in the client's individualized treatment plan. Documentation of all such services shall be maintained in the client record.

4) Ancillary diagnostic services delivered to clients are Medicaid-reimbursable on a per-encounter basis at the practitioner's usual and customary charge, not to exceed the prevailing rate as established by IDPA pursuant to 89 Ill. Adm. Code 140.400.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 2090.50 Quality Improvement Utilization-Review

Each provider shall have and adhere to a quality improvement plan developed in compliance with the provisions in 77 Ill. Adm. Code 2060.315.

a) Each provider shall have written utilization review (UR) policies and procedures for the ongoing study of client care and treatment patterns. Providers licensed by the Department shall have procedures in compliance with the quality assurance system set forth in 77 Ill. Adm. Code 2060.309, incorporated herein by reference. Providers licensed by the Illinois Department of Public Health shall comply with standards for quality assessment and for utilization review as set forth by the Joint Commission on Accreditation of Health-Care

## DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

## NOTICE OF PROPOSED AMENDMENTS

Organizations in its Accreditation Manual for Hospitals, 1992. Such policies and procedures are for the purpose of determining the clinical appropriateness of client admission lengths of stay, supportive services, and shall lead to reports every six months containing specific plans for corrective action and follow through as required.

b) UR policies shall specifically establish criteria and norms for the clinical appropriateness of admission and re-admission length of stay and discharge and aftercare planning. For individuals not admitted for treatment, policies shall establish criteria for referral to other appropriate services. Procedures shall set forth the process by which the provider assesses whether provider practice conforms to the established criteria and norms, identifies problems, and plans and follows through with corrective action.

c) Readmission criteria shall be established and a process developed which shall include a review of all admission activities and a specific examination of prior treatment experiences. Providers shall document the precipitating problem(s) and the need for readmission and shall specify appropriate services for each readmitted client.

## d) Discharge Criteria

1) Discharge criteria shall be developed for the purpose of Medicaid billing which clearly state the conditions under which treatment is terminated, e.g., upon completion of the recipient's treatment plan or a client leaving against staff advice.

2) Discharge and aftercare planning is to be initiated as soon as the initial treatment plan is developed.

e) The UR process shall select a systematic sample which includes at least fifteen percent of all Medicaid recipients admitted and/or discharged since the last review. The review shall include the adequacy and completeness of client records, the course of treatment in comparison with established norms and criteria, particularly for appropriateness of admission length of stay, discharge planning, diagnosis, and compliance with Section 2090.40 (a)(2)-(b)(2)-(c)(2) and or (d)(2) as appropriate based upon the services delivered.

f) Records shall be maintained of corrective actions taken by the executive director and/or the governing board pursuant to the 6-month reports, UR policies, procedures, and reports shall be reviewed and evaluated annually and revised as necessary.

g) Records of individual case reviews 6-month reports and records of corrective action shall be made available for inspection by the Department.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 2090.60 Client Records Recordkeeping

Each provider shall maintain client records in compliance with the provisions



## DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

## NOTICE OF PROPOSED AMENDMENTS

in 77 Ill. Adm. Code 2060.325.

- a) Each provider shall maintain client records which include:
- 1) An individual treatment plan including treatment goals or in the case of detoxification, screening and assessment results which include documented problem assessment and a diagnosis of alcoholism or alcohol abuse and other drug abuse;
  - 2) Staff signed and dated progress notes which describe the services provided and movement toward established goals;
  - 3) Documentation which includes the date and time duration and staff member involved for each service;
  - 4) Medical assessment and documentation as required by 77 Ill. Adm. Code 2058.321(a) and 2058.321(c); documentation of current medication usage; and documentation of all ancillary medical services;
  - 5) Discharge and aftercare plans;
  - b) All records of services delivered to Medicaid recipients shall remain on the provider's premises and shall be retained for at least five years;
  - c) All records shall be made available for inspection by the Department.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 2090.70 Rate Setting

- a) The amount approved for payment for alcoholism and other drug abuse treatment is based on the category and amount of services required by and actually delivered to a client. The amount is determined in accordance with prospective rates developed by the Department and adopted by the Department of Public Aid. The adopted rate shall not exceed the charges to the general public.
- b) Rates are cost-based and are established annually for each service. Costs will be determined based upon the information submitted by the provider in accordance with 2090.90(e).
- c) Rates are generated through the application of formal methodologies specific to each reimbursable service as specified in Section 2090.40 of this Part category.
  - 1) Outpatient services shall be reimbursed at an all-inclusive per client-hour rate payable to the nearest quarter-hour. Such services are defined as face-to-face counseling with a diagnosed client.
  - 2) Intensive outpatient services shall be reimbursed at an all-inclusive rate for a minimum of three hours per 24-hour period.
  - 3) Adolescent residential rehabilitation services shall be reimbursed at an all-inclusive per diem rate.
  - 4) Day treatment services shall be reimbursed at an all-inclusive per diem rate exclusive of costs attributable to domiciliary

## DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

## NOTICE OF PROPOSED AMENDMENTS

- 5) Services as specified in Section 2090.40(d)(2) ancillary psychiatric diagnostic services shall be reimbursed on a per encounter basis to psychiatrists at the practitioners' usual and customary charge, not to exceed the prevailing rate as prevailing rate as established by IDPA 89-111, Adm. Code 140.4007.
- d) 6) The provider shall not be reimbursed for more than one Medicaid covered subacute alcoholism or other drug abuse service per client per day except for ancillary services which may be reimbursed in addition to one of the other Medicaid covered services.
- e) 7) Level I (outpatient) Outpatient and Level II (intensive outpatient) services, which may be delivered in a group setting, shall be reimbursed only for up to 12 clients supported by Department BASA funding (Medicaid or other).

## f) Hospitals

The Department shall establish rates with hospitals delivering subacute services who are certified pursuant to this Part. Rates shall be based on upon the reimbursable services definitions found in Section 2090.40(a)(2)-(b)(2)-(c)(2)-(d) and (e) of this Part, and shall be subject to the provisions of subsections (a)-(b) and (c)-(e) of this Section.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 2090.80 Rate Appeals

- a) Providers may appeal their rates in writing within 30 calendar days of the postmark date of the rate notice.
- b) Appeals shall be submitted to the Department Department's Office of Purchased-Care Development at the address contained in Section 2090.70 (b).
- c) The Department shall determine whether a reason for the appeal exists pursuant to subsection Section 2090.80 (d) of this Section and that the written appeal contains all elements required in subsection Section 2090.80 (e) of this Section. Further clarification of the information submitted may be requested of the provider. The Department shall forward a recommendation to IDPA within 60 calendar days of receipt of the appeal. IDPA shall make the final administrative decision based upon the appeal's conformity with this Part.
- d) Rate appeals may be considered for the following reasons:
  - 1) Mechanical or clerical errors committed by the provider in reporting historical expenses used in the calculation of allowable costs.
  - 2) Mechanical or clerical errors committed by the Department in auditing historical expenses as reported and/or in calculating reimbursement rates.

## DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

## NOTICE OF PROPOSED AMENDMENTS

- 3) The Department and the provider have entered into a written agreement to amend, alter, or modify substantive programmatic or management procedures attendant to the delivery of services, which have a substantial impact upon the costs of service delivery.
  - 4) The alcoholism or other drug abuse licensing authority has amended the licensed capacity of a facility or treatment service.
  - 5) The alcoholism or other drug abuse licensing authority requires substantial treatment service changes as a result of mandated licensure requirements.
  - 6) The alcoholism or other drug abuse licensing authority requires substantial changes in physical plant as a result of mandated licensure requirements. In such instances, the provider must submit a plan of corrections for capital improvements approved by the licensing authority, along with the required cost information.
  - 7) State and/or federal Federal regulatory requirements have generated a substantial increase in allowable costs.
- e) To be accepted for review, the written appeal shall include:
- 1) The current approved reimbursement rate, allowable costs, and the additional reimbursable costs sought through the appeal;
  - 2) A clear, concise statement of the basis for the appeal;
  - 3) A detailed statement of financial, statistical, and related information in support of the appeal, indicating the relationship between the additional reimbursable costs as submitted and the circumstances creating the need for increased reimbursement;
  - 4) A citation to any mandated or contractual requirement pertinent to the appeal; and
  - 5) A statement by the provider's chief executive officer or financial officer that the application of and information contained in the vendor's reports, schedules, budgets, books and records submitted are true and accurate.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 2090.90 Inspections Application and Certification Process for Medicaid Providers

- a) The Department shall conduct inspections of applicants for program certification or recertification and of certified programs to enforce compliance with this Part. Department inspections may be conducted as part of the certification/recertification application process, on a random basis to survey compliance with this Part, or in response to complaints, if the complaint sets forth charges that constitute grounds for sanction pursuant to Section 2090.100.
- b) Upon presentation of Department credentials, inspectors of the Department shall be permitted access to inspect all physical

## DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

## NOTICE OF PROPOSED AMENDMENTS

- facilities and records of the program and to make inquiries of program staff and clients.
- a) Applications may be obtained by submitting a request in writing to: Illinois Department of Alcoholism and Substance Abuse  
James R. Thompson Center  
Quality Assurance Certification Unit  
100 West Randolph Street  
Suite 5-600  
Chicago, IL 60601
  - b) The Department shall forward the application materials not later than 15 calendar days after receipt of the request.
  - c) Applicants for new certification will be accepted from programs which have been licensed as required by Section 2090.30(a) for at least two years for whose parent organization has demonstrated quality substance abuse services of the kind for which certification is being requested and for the type of population which will be served.
  - d) Applicants shall submit documentation of the following:
    - 1) evidence of the need within the community for the type of services to be provided by the program for which certification is sought;
    - 2) description of the organization that will be operating the program;
    - 3) fiscal solvency of the organization;
    - 4) description of the physical facilities to be utilized by the program;
    - 5) description of the program and the clientele it serves;
    - 6) projection of the total number of Medicaid clients to be served each month, the average length of stay anticipated, and the estimated average per person cost of treatment;
    - 7) schedule of the specific dates, times and places services will be provided;
    - 8) number and type of people served during the previous 2 years in the program for which certification is sought and a description of the people served (demographics, gender, drug of choice, Medicaid eligibility, income level, etc.);
    - 9) name, address and professional qualifications of the program's Medical Director;
    - 10) name and qualifications of each individual who will be staffing the program and a description of that individual's responsibilities with respect to the program;
    - 11) copies of written referral agreements with other social service systems and primary medical care service systems within the applicant's area;
    - 12) copies of referral agreements with other substance abuse treatment programs within the applicant's area implemented to assure availability of a full range of services as required in 77 Ill. Adm. Code 2050.354.



## DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

## NOTICE OF PROPOSED AMENDMENTS

- 1) quality assurance standards and utilization review processes consistent with Section 2090-50 (documentation of the program's quality assurance system and utilization review policy as applied to the program's clinical standards) which have been used for the previous 2 years with a copy of the 2 most recent utilization review reports; and
- 14) measurable outcome evaluation process used for the past 2 years and statistics on the program's patient outcomes;
- 15) Applicants who receive funding from the Department shall submit evidence that they are in compliance with 77 Ill. Adm. Code 2090 Subparts B, C and Section 2090-70 and 2090-740. Applicants who do not receive funding from BASA shall submit copies of the two previous years' annual audits according to the standards established in 77 Ill. Adm. Code 2090-620 and two copies of the statistical and financial data submitted in a format required by the Department;
- 16) Applications which are missing significant components or which have inadequate information shall be returned to the applicant with a statement specifying the missing or inadequate information. Completed applications may be resubmitted. Applications which are missing less than one significant component may be held by the Department and the applicant notified in writing of the missing information. The applicant may submit only the missing components. The Department shall hold such incomplete applications no more than 90 calendar days.
- 17) The Department shall conduct an on-site inspection pursuant to Section 2090-105.
- 18) Based upon the inspection conducted under subsection (g) and on the information submitted by the applicant under subsection (d), the Department will certify the program if the Department determines that:
- 1) the applicant has proven that an unmet need for the services exists in the community the program will serve;
  - 2) the organization operating the program is fiscally sound and responsible;
  - 3) the program management is experienced in business and in the delivery of substance abuse services;
  - 4) the program has sufficient written agreements with social medical and other substance abuse service providers within its area to assure proper linkage of services to an individual;
  - 5) the program has experience with the Medicaid eligible population it intends to serve;
  - 6) the program has adequate physical facilities and adequate numbers of qualified alcoholism and other drug treatment professionals to provide the services;
  - 7) the program includes utilization review policies and procedures (with adequate clinical standards) and quality assurance policies and procedures as required by 77 Ill. Adm. Code 2090-50 and 2090-3097; and
  - 8) the program has a measurable outcome evaluation process in place that provides measurable indicators of improvement by program

## DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

## NOTICE OF PROPOSED AMENDMENTS

- participants:
- 1) The Department shall notify the applicant in writing of its determination regarding certification.
  - 2) If the Department certifies the program, it shall include the Department of Public Aid's (BPAA) Medicaid enrollment forms with the letter of certification. The applicant shall submit the completed enrollment forms along with a copy of the letter of certification to BPAA.
  - 3) If the Department is not able to certify the program based on the criteria outlined in this Section, the Department shall notify the applicant in writing describing those deficiencies that will result in a denial of the certification. The applicant has 60 days after receipt of the notice to correct the deficiencies and supply the new information to the Department. If the new information indicates that the program meets the criteria of this Part, the Department shall notify the applicant under subsection (h)(1) above. If the program continues to fail to meet the requirements of this Part, the Department shall deny the application for certification. If certification is denied, the applicant may appeal the Department's decision and request a hearing pursuant to 77 Ill. Adm. Code 2090 (Rules of Practice and Procedure in Administrative Hearings).
  - 4) Certification shall be effective on the date of approval by the Department and shall remain in effect for a period of 3 years. If the provider continues to be licensed as required by Section 2090-3097 and subject to any sanctions levied under Section 2090-110, the month and day of department approval shall be known as the program certification anniversary date. The program may be recertified for an additional 3 year period pursuant to Section 2090-100. After the effective date of certification, the provider may deliver services to Medicaid recipients that will be reimbursable after the applicant completes the BPAA Medicaid enrollment procedure.
  - 5) The provider shall notify the Department in writing within 30 days of any changes in policies or procedures required by this Part or described in any materials submitted as part of an application for certification.

(Source: Old Section 2090.90 repealed and Section 2090.105 renumbered to Section 2090.90 and amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 2090.100 Sanctions for Non-Compliance/Audits Recertification

- a) Failure to comply with the requirements of this Part shall result in the provider being issued a written warning or having its certification suspended or terminated for the Illinois Medical Assistance Program.

## DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

## NOTICE OF PROPOSED AMENDMENTS

b) The Department shall issue written notification to a certified provider who has failed to comply with any provision specified in this Part. The provider shall have a maximum of 60 calendar days from the date of the written notice to correct the cited deficiencies. However, such action shall not preclude the Department from initiating proceedings as specified in subsection (g) of this Section.

c) The Department may also conduct post-payment audits based on volume of billings, complaints, identified deficiencies or non-compliance with this Part, or pursuant to a random selection process as necessary to monitor for compliance with this Part.

d) The Department shall audit a statistically significant randomly selected sampling of client records at the audited program.

e) The Department shall follow the recoupment formula approved by the Department of Public Aid, should the audit result in recoupment.

f) Upon completion of the post-payment audit the Department shall submit written notification to the program regarding audit findings and amounts determined to be recoupable. The program shall respond to the notification within 15 days with supporting documentation regarding the recoupment amount. If such documentation proves that the recoupment amount is inaccurate, the amount shall be revised. The program may also request a 100% audit. The department may reduce future payments at a percentage per month or in a lump sum, or demand repayment in a lump sum. Recoupment shall be done under the "Rules of Practice for Medical Vendor Hearings", 89 Ill. Adm. Code 104: Subpart C.

g) The Department and the Department of Public Aid shall jointly initiate administrative proceedings pursuant to 89 Ill. Adm. Code 140.16 to suspend or terminate certification and eligibility to participate in the Illinois Medical Assistance Program where the provider has failed to comply with any provision specified in this Part.

h) The Department shall immediately refer evidence of billing discrepancies or suspected improprieties to the Department of Public Aid for further action or may initiate post-payment audits.

a) Any provider that wants to continue a program beyond the 3-year certification period shall apply for recertification at least 90 days prior to the anniversary date of the third year of certification.

i) An applicant for recertification shall submit in a format specified by the Department a statement that the program continues to meet all requirements of this Part and continues to be licensed as required by Section 2090.105. This statement shall be signed by the Authorized Program Representative of the provider. If any of the information submitted under Section 2090.105 has changed since the original certification, the applicant shall resubmit that information in a corrected form.

A) Copies of all utilization review (UR) reports since the date of last certification and of the current UR policies and procedures.

B) Results of the program's measured outcome evaluations since

## DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

## NOTICE OF PROPOSED AMENDMENTS

2) the date of last certification or recertification. No be eligible for recertification providers who receive funding from the Department shall be in compliance with 77 Ill. Adm. Code 2090.105 Subparts B-G and Sections 2090.110 and 2090.140.

3) Providers who do not receive funding from the Department shall submit one copy of all annual audit(s) during the previous certification period according to the standards established in 77 Ill. Adm. Code 2090.620 (Audit Requirements) and two copies of statistical and financial data submitted on forms required by the Department.

4) The Department shall review the program and conduct the inspection required in Section 2090.105, and shall recertify the program if it complies with the requirements of the Alcoholism and Other Drug Abuse and Dependency Act and this Part.

5) If the Department is not able to recertify the program based on its review and inspection, the Department shall notify the applicant in writing describing those deficiencies that will result in a denial of the recertification. The applicant has 30 days after receipt of the notice to correct the deficiencies and supply the new information to the Department. If the new information indicates that the program meets the criteria of this Part, the Department shall recertify the program. If the program continues to fail to meet the requirements of this Part, the Department shall deny the application for recertification and shall notify the applicant in writing giving the reasons for the denial. The provider may appeal the Department's decision and request a hearing pursuant to 77 Ill. Adm. Code 2090.105 (Rules of Practice and Procedure) in Administrative Hearings. Certification shall remain in effect pending the Department's final decision on recertification. When the denial of recertification is final, the provider shall arrange for transfer of all Medicaid clients of the program as appropriate.

## b) Inspections

i) The Department shall conduct inspections of providers certified under this Part to enforce compliance with provisions of this Part.

2) The Department inspectors shall be granted access to all facilities and service areas, client records and all other records required under this Part.

(Source: Old Section 2090.100 repealed and Section 2090.110 renumbered to Section 2090.100 and amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 2090.105 Inspections (Renumbered)

(Source: Section 2090.105 renumbered to Section 2090.90 at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## DEPARTMENT OF ALCOHOLISM AND SUBSTANCE ABUSE

## NOTICE OF PROPOSED AMENDMENTS

**Section 2090.110 Sanctions for Non-Compliance/Audits (Renumbered)**

(Source: Section 2090.110 renumbered to Section 2090.100 at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Administration of the Illinois Public Community College Act
- 2) Code Citation: 23 Ill. Adm. Code 1501
- 3) Section Numbers: Proposed Action:  
1501.604 Amendment  
1501.608 Amendment
- 4) Statutory Authority: 110 ILCS 805/3-20.3.01 (Alterations or repairs necessary for energy conservation, health or safety, environmental protection or handicapped accessibility purposes - Tax levy - Bonds - Minimum requirement regulations and specifications.)
- 5) A Complete Description of the Subjects and Issues Involved: Currently, protection, health, and safety funds can only be used for leased facilities when the lease period is for more than five years with a stated intent to acquire the leased property. This rule is particularly restrictive to districts that have assumed the obligation to make alterations or repairs to leased facilities, but do not have the intent to acquire them. This rule change will provide districts with leased facilities more latitude in funding alterations or repairs.
- 6) Will these proposed amendments replace emergency rules currently in effect? No
- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Do these proposed amendments contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives (if applicable): Not Applicable.
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may submit written comments to:
- Jill O'Shea  
Director for Governmental Relations  
Illinois Community College Board  
509 South Sixth Street, Suite 400  
Springfield, Illinois 62701-1874  
Telephone: (217) 785-0213
- All written comments received within 45 days of this issue of the *Illinois Register* will be considered.
- 12) Initial Regulatory Flexibility Analysis: The Illinois Community College

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

Board has determined that this rulemaking will not affect small business.

- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included in either of the 2 most recent regulatory agendas because: This rulemaking was not anticipated at the time the Regulatory Agenda was published.

The full text of the Proposed Amendments begins on the next page.

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

TITLE 23: EDUCATION AND CULTURAL RESOURCES

SUBTITLE A: EDUCATION

CHAPTER VII: ILLINOIS COMMUNITY COLLEGE BOARD

PART 1501

ADMINISTRATION OF THE ILLINOIS PUBLIC COMMUNITY COLLEGE ACT

SUBPART A: ILLINOIS COMMUNITY COLLEGE BOARD ADMINISTRATION

Section	
1501.101	Definition of Terms
1501.102	Advisory Groups
1501.103	Rule Adoption (Recodified)
1501.104	Manuals
1501.105	Advisory Opinions
1501.106	Executive Director
1501.107	Information Request (Recodified)
1501.108	Organization of ICCB (Recodified)
1501.109	Appearance at ICCB Meetings
1501.110	Appeal Procedure
1501.111	Reporting Requirements (Repealed)
1501.112	Certification of Organization (Repealed)
1501.113	Administration of Detachments and Subsequent Annexations
1501.114	Recognition

SUBPART B: LOCAL DISTRICT ADMINISTRATION

Section	
1501.201	Reporting Requirements
1501.202	Certification of Organization
1501.203	Delineation of Responsibilities
1501.204	Maintenance of Documents or Information
1501.205	Recognition Standards (Repealed)

SUBPART C: PROGRAMS

Section	
1501.301	Definition of Terms
1501.302	Units of Instruction, Research, and Public Service
1501.303	Program Requirements
1501.304	Statewide and Regional Planning
1501.305	College, Branch, Campus, and Extension Centers
1501.306	State or Federal Institutions (Repealed)
1501.307	Cooperative Agreements and Contracts
1501.308	Reporting Requirements
1501.309	Course Classification and Applicability

SUBPART D: STUDENTS



## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

## Section

1501.401 Definition of Terms  
 1501.402 Admission of Students  
 1501.403 Student Services  
 1501.404 Academic Records  
 1501.405 Student Evaluation  
 1501.406 Reporting Requirements

## SUBPART E: FINANCE

## Section

1501.501 Definition of Terms  
 1501.502 Financial Planning  
 1501.503 Audits  
 1501.504 Budgets  
 1501.505 Nonresident Student Tuition Calculations  
 1501.506 Published Financial Statements  
 1501.507 Credit Hour Grants  
 1501.508 Special Populations Grants  
 1501.509 Workforce Preparation Grants  
 1501.510 Reporting Requirements  
 1501.511 Chart of Accounts  
 1501.514 Business Assistance Grants (Repealed)  
 1501.515 Advanced Technology Equipment Grants  
 1501.516 Capital Renewal Grants  
 1501.517 Retirees Health Insurance Grants  
 1501.518 Uncollectible Debts

## SUBPART F: CAPITAL PROJECTS

## Section

1501.601 Definition of Terms  
 1501.602 Approval of Capital Projects  
 1501.603 State Funded Capital Projects  
 1501.604 Locally Funded Capital Projects  
 1501.605 Project Changes  
 1501.606 Progress Reports (Repealed)  
 1501.607 Reporting Requirements  
 1501.608 Approval of Projects in Section 3-20.3.01 of the Act  
 1501.609 Completion of Projects Under Section 3-20.3.01 of the Act  
 1501.610 Demolition of Facilities

## SUBPART G: STATE COMMUNITY COLLEGE

## Section

1501.701 Definitions of Terms  
 1501.702 Applicability  
 1501.703 Recognition

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

1501.704 Programs  
 1501.705 Finance  
 1501.706 Personnel  
 1501.707 Facilities

## SUBPART H: PERSONNEL

## Section

1501.801 Definition of Terms  
 1501.802 Sabbatical Leaves

**AUTHORITY:** Implementing and authorized by Articles II and III and Section 6-5.3 of the Public Community College Act [110 ILCS 805/Arts. II and III and 6-5.3].

**SOURCE:** Adopted at 6 Ill. Reg. 14262, effective November 3, 1982; codified at 7 Ill. Reg. 2332; amended at 7 Ill. Reg. 16118, effective November 22, 1983; Sections 1501.103, 1501.107 and 1501.108 recodified to 2 Ill. Adm. Code 5175 at 8 Ill. Reg. 6032; amended at 8 Ill. Reg. 14262, effective July 25, 1984; amended at 8 Ill. Reg. 19383, effective September 28, 1984; emergency amendment at 8 Ill. Reg. 22603, effective November 7, 1984, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 24299, effective December 5, 1984, for a maximum of 150 days; amended at 9 Ill. Reg. 3691, effective March 13, 1985; amended at 9 Ill. Reg. 9470, effective June 11, 1985; amended at 9 Ill. Reg. 16813, effective October 21, 1985; amended at 10 Ill. Reg. 3612, effective January 31, 1986; amended at 10 Ill. Reg. 14658, effective August 22, 1986; amended at 11 Ill. Reg. 7606, effective April 8, 1987; amended at 11 Ill. Reg. 18150, effective October 27, 1987; amended at 12 Ill. Reg. 6660, effective March 25, 1988; amended at 12 Ill. Reg. 15973, effective September 23, 1988; amended at 12 Ill. Reg. 16699, effective September 23, 1988; amended at 13 Ill. Reg. 1182, Reg. 19691, effective November 15, 1988; amended at 13 Ill. Reg. 1182, effective January 13, 1989; amended at 13 Ill. Reg. 14904, effective September 12, 1989; emergency amendment at 14 Ill. Reg. 299, effective November 9, 1989, for a maximum of 150 days; emergency amendment expired on April 9, 1990; amended at 14 Ill. Reg. 4126, effective March 1, 1990; amended at 14 Ill. Reg. 10762, effective June 25, 1990; amended at 14 Ill. Reg. 11771, effective July 9, 1990; amended at 14 Ill. Reg. 13997, effective August 20, 1990; amended at 15 Ill. Reg. 10929, effective July 11, 1991; amended at 16 Ill. Reg. 12445, effective July 24, 1992; amended at 16 Ill. Reg. 17621, effective November 6, 1992; amended at 17 Ill. Reg. 1853, effective February 2, 1993; expedited correction at 18 Ill. Reg. 3027, effective August 20, 1990; amended at 18 Ill. Reg. 4635, effective March 9, 1994; amended at 18 Ill. Reg. 8906, effective June 1, 1994; amended at 19 Ill. Reg. 2299, effective February 14, 1995; amended at 19 Ill. Reg. 2816, effective February 21, 1995; amended at 19 Ill. Reg. 7515, effective May 26, 1995; amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART F: CAPITAL PROJECTS

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

**Section 1501.604 Locally Funded Capital Projects**

- a) All locally funded capital projects shall meet the same codes or standards listed in Section 1501.603(f)(2).
- b) Requests for ICCB approval of locally funded capital projects shall be submitted using forms prescribed by the ICCB. All locally funded capital projects shall receive prior ICCB approval except those meeting any one of the following criteria:
  - 1) A project which meets the definition of a maintenance project as specified in Section 1501.601.
  - 2) A project which does not create a change in room use.
  - 3) A project which is less than \$25,000 regardless of the work being performed.
- c) Requests for ICCB approval of locally funded capital projects shall be submitted to the ICCB according to the following criteria:
  - 1) All capital projects other than those excluded in Section 1501.604(b) require ICCB approval during the design phase of the project.
  - 2) Capital projects estimated to cost in excess of \$2.5 million shall be reported to the ICCB following a project needs assessment.
  - 3) The final budget and scope of the project shall be reported to the ICCB after bids are received but before contracts are awarded. If the budget or scope exceeds that approved by the ICCB, the project shall be resubmitted for approval.
- d) Application Criteria for New Construction Projects at the Primary Site. Applications for new construction projects submitted to the ICCB and shall have attached to them the following:
  - 1) A copy of the resolution or motion passed by the local board of trustees approving the budget and scope of the project.
  - 2) A statement identifying the source of local funds for the project.
  - 3) For primary sites, certification shall be provided that a suitable construction site is available. Suitability is determined through a site feasibility study. The feasibility study shall address, at a minimum, the following:
    - A) The location of the site in relation to geography and population of the entire district and its relation to sites of the district's other colleges, community college facilities in other contiguous districts, and other higher education facilities in contiguous districts.
    - B) The impact on the surrounding environment, including the effect of increased traffic flow.
    - C) Accessibility to the site by existing and planned highways and/or streets.
    - D) Cost of development of the site in relation to topography, soil condition, and utilities.
    - E) Size of the proposed site in relation to projected student

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

- F) The number, location, and characteristics (types of terrain, geography, roadway access, and suitability of the site for building purposes) of alternative sites considered.
- 4) Requests for primary site acquisition shall include three appraisals of the property.
- 5) Evidence of need for the space requested shall be provided either on a general enrollment basis as specified in Section 1501.603(e)(4)(C) or a specific program need basis as specified in Section 1501.603(e)(4)(D).
- 6) The project shall be within the mission of a community college as set forth in Section 1-2(e) of the Act.
- e) Application Criteria for Projects Funded in Accordance with Section 3-37 of the Act. In addition to the above, applications for projects proposed for funding in accordance with Section 3-37 of the Act must include:
  - 1) A copy of the proposed lease agreement showing that income is sufficient to pay the costs of constructing or acquiring and operating and maintaining the facility for the life of the installment loan arrangement entered into by the college.
  - 2) A copy of the loan arrangement entered into by the college showing the installment costs to be incurred by the college.
  - 3) Any other agreement between the college and another group which commits funds toward the project by that group.
  - f) Application Criteria for Remodeling and Rehabilitation Projects. Projects to remodel and rehabilitate a facility shall require submittal of the following:
    - 1) A copy of the resolution or motion passed by the local board of trustees approving the budget and scope of the project.
    - 2) A statement identifying the source of local funds for the project.
    - 3) A summary detailing the effects of the remodeling on space usage (classrooms, laboratories, offices...).
    - 4) A justification statement regarding the need to remodel.
  - g) Application Criteria for Secondary Site Projects. Projects for the acquisition/construction of a new site and/or structure for purposes other than a primary site facility and projects for acquisition of sites and/or structures adjacent to the primary site shall require submittal of the following:
    - 1) A resolution by the local board of trustees stating that:
      - A) Funds are available to procure the site.
      - B) The programs offered have been approved by the ICCB and IBHE or approval of these stated programs by those boards is pending.
    - 2) Copies of at least two appraisals of the property.
    - 3) Verification that the condition of the facility is not a threat to public safety. This shall include tests of structural integrity, asbestos, toxic materials, underground storage tanks,



## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

and other hazardous conditions. (Findings regarding the existence of these hazards shall not preclude the procurement of the site/structure but the knowledge of the hazardous condition and any costs incurred in correcting the condition shall be incorporated into the total cost of procuring the facility.)

4) Identification of the location of the site and its relationship to the main campus, community college facilities in other contiguous districts, and other higher education facilities in contiguous districts.

5) Identification of all estimated costs associated with the purchase and any subsequent construction and/or rehabilitation of the site/structure.

h) Construction projects for use by the college which are financed in whole or in part by college foundations are to be submitted for ICCB approval as locally funded projects.

i) ~~The college shall not utilize local funds for capital projects relating to facilities not owned by the college and which are leased for a period of five years or less. If capital projects relating to facilities leased in excess of five years are considered, application must be made in the same manner as for other locally funded projects.~~

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1501.608 Approval of Projects in Section 3-20.3.01 of the Act

Projects proposed for construction under the provisions of Section 3-20.3.01 of the Act shall meet the criteria listed below.

a) Each proposed project shall meet the definition of "alter" or "repair" in Section 1501.601.

b) Each proposed project shall meet the definition of "facility" in Section 1501.601 and be owned by the district or leased ~~for more than five years with a stated intent to acquire and~~ where the district has assumed the obligation to make alterations or repairs.

c) Each proposed project shall not be considered a maintenance project.

d) Projects to repair facilities shall be for the purpose of correcting a hazard.

e) Each proposed project shall be one which is estimated by a licensed architect or engineer to cost \$25,000 or more, and if financed through bonds in accordance with Section IIIA of the Act, is estimated by a licensed or registered architect or engineer to cost no more than \$1,500,000. A project may have several component parts if these components clearly relate to the same objective.

f) Each proposed project shall have prior approval of the ICCB or its Executive Director.

g) Each proposed energy conservation project shall provide an estimated "pay back" of eight years or less as certified by a licensed architect or engineer.

## ILLINOIS COMMUNITY COLLEGE BOARD

## NOTICE OF PROPOSED AMENDMENTS

h) Each project shall meet the codes specified in Section 1501.603(f)(2).  
i) An application for each proposed project shall be submitted to the ICCB for approval on forms prescribed by the ICCB and shall include all of the following:

1) A certified copy of a lawful order of any federal, state, county, or municipal agency having authority in statute or ordinance to regulate the protection, health, or safety of individuals as such relate to community college facilities; a licensed architect or engineer's certification that the present condition of the facility poses a threat to the structural integrity of the facility; or a copy of the resolution indicating that the local board of trustees has determined that the proposed project is necessary for energy conservation, health or safety, environmental protection, or handicapped accessibility purposes.

2) A copy of a statement that, in the judgment of the local board of trustees, there are not sufficient funds available in the Operations and Maintenance Fund of the district to fund the project.<sup>7</sup>

3) A certified copy of a licensed architect or engineer's estimated budget of the cost and scope of the project.

4) A copy of the local board of trustees' action authorizing the project.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Prior Notification of Dividends on Common Stock and Other Distributions

- 2) Code Citation: 50 Ill. Adm. Code 855

- 3) Section Numbers:  
855. ILLUSTRATION A Proposed Action:  
Amended

- 4) Statutory Authority: Implementing Article VIII 1/2 and authorized by Sections 131.16, 131.20(a)(2), and 401 of the Illinois Insurance Code [215 ILCS 5/Art. VIII 1/2, 131.16, 131.20(a)(2), and 401].

- 5) A Complete Description of the Subjects and Issues Involved: This proposed amendment will require companies submitting a filing relating to issuance of an extraordinary dividend to provide the Department with a calculation of its risk based capital assuming the dividend will be approved and paid. This information will assist Departmental staff in determining whether approval of the extraordinary dividend is appropriate.

- 6) Will this proposed Amendment replace emergency rule currently in effect?  
No

- 7) Does this Amendment contain an automatic repeal date? No

- 8) Does this proposed Amendment contain incorporations by reference? No

- 9) Are there any other proposed amendments pending on this Part? No

- 10) Statement of Statewide Policy Objectives: This proposed amendment will not establish, expand or modify a local government's activities in such a way as to necessitate additional expenditures from local revenues.

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

David Van Lieshout	Denise Hamilton
Assistant Chief Counsel	Rules Unit Supervisor
Department of Insurance	Department of Insurance
320 West Washington	(or) 320 West Washington
Springfield, IL 62767	Springfield, IL 62767
(217) 782-8216	(217) 785-8560

- 12) Initial Regulatory Flexibility Analysis: The Department has determined that this proposed amendment will not affect small businesses.

- 13) Regulatory Agenda on which this Amendment was summarized: July 1996

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED AMENDMENTS

The full text of the Proposed Amendment begins on the next page:



DEPARTMENT OF INSURANCE  
NOTICE OF PROPOSED AMENDMENTS  
TITLE 50: INSURANCE  
CHAPTER I: DEPARTMENT OF INSURANCE  
SUBCHAPTER k: INSURANCE HOLDING COMPANY SYSTEMS

PART 855  
PRIOR NOTIFICATION OF DIVIDENDS ON COMMON STOCK AND OTHER DISTRIBUTIONS

- Section 855.10 Purpose  
855.20 Definitions  
855.30 Prior Notification of Dividends and Other Distributions  
855.40 Penalties  
ILLUSTRATION A Form D-2

AUTHORITY: Implementing Article VIII 1/2 and authorized by Sections 131.16, 131.20a(2), and 401 of the Illinois Insurance Code [215 ILCS 5/Art. VIII 1/2, 131.16, 131.20a(2), and 401].

SOURCE: Emergency rules adopted at 17 Ill. Reg. 21869, effective November 30, 1993, for a maximum of 150 days; amended at 18 Ill. Reg. 6168, effective April 6, 1994; amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

DEPARTMENT OF INSURANCE  
NOTICE OF PROPOSED AMENDMENTS

Section 855.ILLUSTRATION A Form D-2  
FORM D-2  
GENERAL INSTRUCTIONS

Signature and Certification.

For purposes of filing the Form D-2, the signature and certification required by this Part shall be signed by an executive officer of the insurer.

PRIOR NOTICE OF DIVIDENDS ON COMMON STOCK AND OTHER DISTRIBUTIONS

Filed with the Insurance Department of the State of Illinois

By

\_\_\_\_\_  
Name of Domestic Company

On Behalf of Following Insurance Companies:

Name Address

Date: \_\_\_\_\_, 19

Name, Title, Address and Telephone Number of Individual to Whom Notices and Correspondence Concerning this Request Should be Addressed:

Item 1. Type of Dividend or Distribution.

Identify the dividend or distribution as a dividend or other distribution subject to Section 131.16 of the Illinois Insurance Code [215 ILCS 5/131.16] or as an extraordinary dividend or other extraordinary distribution as defined in Section 131.20a(2) of the Illinois Insurance Code [215 ILCS 5/131.20(2)].

Item 2. The amount of the dividend or other distribution and the date established for payment. The proposed date must be consistent with requirements for receipt of notice by the Department, as specified in Section 855.30(a) of 50 Ill. Adm. Code 855.

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED AMENDMENTS

Item 3. A statement as to whether the dividend or other distribution is to be in cash or other property, and, if in property, a description thereof, its cost, statutory carrying value, and the fair market value of such property together with an explanation of the basis for valuation.

Item 4. The amounts and payment dates of all dividends paid within the period of 12 consecutive months ending on the date fixed for payment of the proposed dividend for which notification is being given or approval is being sought.

Item 5. An illustration of the calculation of the extraordinary dividend limit set by Section 131.20a of the Illinois Insurance Code. Dividends that have been or will be paid in other than cash shall be valued for the purposes of the calculation at the greater of market or statutory carrying value of the asset.

Item 6. If the notice is filed for an extraordinary dividend pursuant to Section 131.20a of the Illinois Insurance Code, the following items must also be included:

a) A balance sheet and statement of income for the period intervening from the last annual statement filed with the Director and the end of the month preceding the month in which the prior notification of the dividend is submitted. Indicate the amount of all unrealized capital gains included in unassigned funds.

b) A brief statement as to the effect of the proposed dividend upon the insurer's surplus and the reasonableness of surplus in relation to the insurer's outstanding liabilities and the adequacy of surplus relative to the insurer's financial position.

c) A calculation of the insurer's risk based capital levels as of the month preceding the month in which prior notification of the dividend is submitted, adjusted to show the effect of the proposed dividend or other distribution. The risk based capital calculation should otherwise be completed in accordance with the risk based capital instructions as defined by Section 35A-5 of the Illinois Insurance Code [215 ILCS 5/35A-5].

Pursuant to the requirements of Section 131.16 (or 131.16 and 131.20a, in the case of extraordinary dividends) of the Illinois Insurance Code, \_\_\_\_\_ has caused this notice to be duly signed on its behalf in the City of \_\_\_\_\_ and State of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

Name of Requesting Insurer

By

(Name)

(Title)

## DEPARTMENT OF INSURANCE

## NOTICE OF PROPOSED AMENDMENTS

Attest:

(Signature of Officer)

(Title)

## CERTIFICATION

The undersigned deposes and says that (s)he had duly executed the attached notice dated \_\_\_\_\_, 19\_\_\_\_, for and on behalf of \_\_\_\_\_; that (s)he is the \_\_\_\_\_ (Title of Officer) of such company and that (s)he is familiar with such instrument and the contents thereof, and that the facts therein set forth are true to the best of his/her knowledge, information and belief.

(Signature)

(Type or print name beneath)

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF PROPOSED AMENDMENTS

- 1) Heading of the Part: The Administration and Operation of the Teachers' Retirement System

- 2) Code Citation: 80 Ill. Adm. Code 1650

- 3) Section Numbers: Proposed Action:

1650.210	Amendment
1650.240	Amendment
1650.310	Amendment
1650.340	Amendment
1650.341	New Section
1650.345	New Section
1650.350	Amendment
1650.355	New Section
1650.380	New Section
1650.390	New Section
1650.410	Amendment
1650.460	Amendment
1650.560	Amendment
1650.590	New Section

- 4) Statutory Authority: Implementing and authorized by Article 16 of the Illinois Pension Code [40 ILCS 5/Art. 16]; Freedom of Information Act [5 ILCS 140]; Internal Revenue Code [26 U.S.C. 1, et seq.]; Section 5-15 of the Illinois Administrative Procedure Act [5 ILCS 100/5-15].

- 5) A Complete Description of the Subjects and Issues Involved:

1650.210 Subsection (a) amended to clarify physician's certificate refers to certificate of death. Subsection (d) amended to remove repetitious language regarding what constitutes satisfactory evidence of an employment agreement. Subsection (i) amended to define when a member electing to receive annuity payments through direct deposit becomes an annuitant.

1650.240 Subsection (a) amended to delete "escheat of a warrant" as a basis for determining when a refund is deemed accepted and membership in the System terminates. TRS can retrieve the funds from an escheated warrant and reissue a new warrant. It was felt it was unfair to penalize a member by denying a member a refund under this circumstance.

1650.310 Subsection (c) added to define the effective date of membership for members who purchase military service not immediately following employment.

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF PROPOSED AMENDMENTS

1650.340 Subsection (a) amended to clarify when a member meets the return-to-teaching requirement for leave of absence optional service credit. Subsections (c) and (d) dealing with involuntary layoffs deleted and restated in new rule (see 1650.341 below).

1650.341 New Section added to deal specifically with service credit for involuntary layoffs.

1650.345 New Section added to clarify service credit for periods away from teaching due to pregnancy, based on the recent addition of Section 16-127(b)(5)(iii) to Article 16 of the Pension Code.

1650.350 Subsection (a) amended to further define when excess sick leave is available for use and reportable to the System. Subsection (d) amended to further define the circumstances when personal days are reportable as sick days.

1650.355 New Section added to specify the required minimum payment for purchase of optional service.

1650.380 New Section added to specify actuarial assumptions as required by Section 40(a)(25) of the Internal Revenue Code.

1650.390 New Section added to deal with independent contractors exempt from System membership or post-retirement work limits governing annuitants.

1650.410 Last sentence of subsection (b) deleted to reflect determination that the System is not statutorily authorized to pay interest on optional service unable to be used by the member at retirement.

1650.460 New subsection (c) added to specify the beginning and ending dates of a school year for average salary calculation purposes. Remaining subsections relettered accordingly.

1650.560 Amended to further clarify the documentation needed to process survivor claims.

1650.590 New Section added to deal with collecting debts owed the System by referral to the Office of the Comptroller for offset.

- 6) Will this proposed amendment replace an emergency amendment currently in effect? No

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF PROPOSED AMENDMENTS

- 7) Does this rulemaking contain an automatic repeal date? No
- 8) Does this proposed amendment contain incorporations by reference? No
- 9) Are there any other proposed amendments pending on this Part? No
- 10) Statement of Statewide Policy Objectives: Not Applicable
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Comments on the proposed amendment may be submitted in writing for a period of 45 days following publication of this Notice to:
- Erin Smith, Legal Assistant  
Teachers' Retirement System  
2815 West Washington, P. O. Box 19253  
Springfield, IL 62794-9253  
(217) 753-0961
- 12) Initial Regulatory Flexibility Analysis: These rules will not affect small businesses.
- 13) Regulatory Agenda on which this rulemaking was summarized: January and July 1996

The full text of the Proposed Amendments begins on the next page:

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF PROPOSED AMENDMENTS

TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES  
SUBTITLE D: RETIREMENT SYSTEMS  
CHAPTER III: TEACHERS' RETIREMENT SYSTEM OF  
THE STATE OF ILLINOIS

## PART 1650

THE ADMINISTRATION AND OPERATION OF THE  
TEACHERS' RETIREMENT SYSTEM

## SUBPART A: REPORTS BY BOARD OF TRUSTEES

Section  
1650.10 Annual Financial Report (Repealed)

## SUBPART B: BASIC RECORDS AND ACCOUNTS

Section  
1650.110 Membership Records  
1650.120 Claims Records (Repealed)  
1650.130 Individual Accounts (Repealed)  
1650.140 Ledger and Accounts Books (Repealed)  
1650.150 Statistics (Repealed)  
1650.160 Confidentiality of Records  
1650.180 Filing and Payment Requirements  
1650.181 Early Retirement Incentive Payment Requirements  
1650.182 Waiver of Additional Amounts Due  
1650.183 Definition of Employer's Normal Cost

## SUBPART C: FILING OF CLAIMS

Section  
1650.210 Claim Applications  
1650.220 Reclassification of Disability Claim (Repealed)  
1650.230 Medical Examinations and Investigations of Claims  
1650.240 Refunds; Impermissible Refunds; Canceled Service; Repayment  
1650.250 Death Benefits  
1650.260 Evidence of Age  
1650.270 Reversionary Annuity - Evidence of Dependency  
1650.271 Evidence of Parentage  
1650.272 Eligible Child Dependent By Reason of a Physical or Mental Disability  
1650.280 Evidence of Marriage  
1650.290 Offsets

## SUBPART D: MEMBERSHIP AND SERVICE CREDITS

Section  
1650.310 Effective Date of Membership



## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF PROPOSED AMENDMENTS

1650.320 Method of Calculating Service Credits  
 1650.325 Method of Calculating Service Credit for Recipients of a Disability Benefit or Occupational Disability Benefit  
 1650.330 Duplicate Service Credit  
 1650.340 Service Credit for Leaves ~~Leave~~ of Absence ~~or-involuntary-layoffs~~  
 1650.341 Service Credit for Involuntary Layoffs  
 1650.345 Service Credit for Periods Away From Teaching Due to Pregnancy  
 1650.350 Service Credit for Unused Accumulated Sick Leave Upon Retirement  
 1650.355 Purchase of Optional Service - Required Minimum Payment  
 1650.360 Service and Earnings Credit Obtained Pursuant to Labor Contract Litigation  
 1650.370 Calculation of Average Salary (Renumbered)  
 1650.380 Definition of Actuarial Equivalent  
 1650.390 Independent Contractors

## SUBPART E: CONTRIBUTION CREDITS AND PAYMENTS

Section  
 1650.410 Refunds for Duplicate or Noncreditable Service  
 1650.420 Interest on Deficiencies (Repealed)  
 1650.430 Installment Payments (Repealed)  
 1650.440 Small Deficiencies, Credits or Death Benefit Payments  
 1650.450 Definition of Salary  
 1650.451 Reporting of Conditional Payments  
 1650.460 Calculation of Average Salary  
 1650.470 Rollover Distributions

## SUBPART F: RULES GOVERNING ANNUITANTS AND BENEFICIARIES

Section  
 1650.505 Beneficiary (Repealed)  
 1650.510 Re-entry Into Service  
 1650.520 Suspension of Benefits  
 1650.530 Power of Attorney  
 1650.540 Conservators/Guardians  
 1650.550 Presumption of Death  
 1650.560 Benefits Payable on Death  
 1650.570 Survivors' Benefits  
 1650.580 Evidence of Eligibility  
 1650.590 Comptroller Offset

## SUBPART G: ATTORNEY GENERALS' OPINION

Section  
 1650.605 Policy of the Board Concerning Attorney Generals' Opinion (Repealed)

## SUBPART H: ADMINISTRATIVE REVIEW

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF PROPOSED AMENDMENTS

Section  
 1650.610 Staff Responsibility  
 1650.620 Right of Appeal  
 1650.630 Form of Written Request  
 1650.640 Prehearing Procedure  
 1650.650 Hearing Procedure  
 1650.660 Rules of Evidence

## SUBPART I: AMENDMENTS TO BYLAWS AND RULES

Section  
 1650.710 Amendments

## SUBPART J: RULES OF ORDER

Section  
 1650.810 Parliamentary Procedure

## SUBPART K: FREEDOM OF INFORMATION ACT REQUESTS

Section  
 1650.910 Summary and Purpose  
 1650.920 Definitions  
 1650.930 Submission of Requests  
 1650.940 Form and Content of FOIA Requests  
 1650.950 Appeal of a Denial  
 1650.960 Executive Director's Response to Appeal  
 1650.970 Response to FOIA Requests  
 1650.980 Inspection of Records at System Office  
 1650.990 Copies of Public Records  
 1650.995 Materials Available Under Section 4 of FOIA

## SUBPART L: BOARD ELECTION PROCEDURES

Section  
 1650.1000 Nomination of Candidates  
 1650.1010 Petitions  
 1650.1020 Eligible Voters  
 1650.1030 Election Materials  
 1650.1040 Marking of Ballots  
 1650.1050 Return of Ballots  
 1650.1060 Observation of Ballot Counting  
 1650.1070 Certification of Ballot Counting  
 1650.1080 Challenges to Ballot Counting

AUTHORITY: Implementing and authorized by Article 16 of the Illinois Pension Code [40 ILCS 5/Art. 16]; Freedom of Information Act [5 ILCS 140]; Internal Revenue Code (26 U.S.C. 1, et seq.); Section 5-15 of the Illinois

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF PROPOSED AMENDMENTS

Administrative Procedure Act [5 ILCS 100/5-15].

SOURCE: Filed June 20, 1959; emergency rules adopted at 2 Ill. Reg. 49, p. 249, effective November 29, 1978, for a maximum of 150 days; adopted at 3 Ill. Reg. 9, p. 1, effective March 3, 1979; codified at 8 Ill. Reg. 16350; amended at 9 Ill. Reg. 20885, effective December 17, 1985; amended at 12 Ill. Reg. 16896, effective October 3, 1988; amended at 14 Ill. Reg. 18305, effective October 29, 1990; amended at 15 Ill. Reg. 16731, effective November 5, 1991; amended at 17 Ill. Reg. 1631, effective January 22, 1993; amended at 18 Ill. Reg. 6349, effective April 15, 1994; emergency amendment at 18 Ill. Reg. 8949, effective May 24, 1994, for a maximum of 150 days; emergency modified at 18 Ill. Reg. 12880; amended at 18 Ill. Reg. 15154, effective September 27, 1994; amended at 20 Ill. Reg. 3118, effective February 5, 1996; amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

## SUBPART C: FILING OF CLAIMS

## Section 1650.210 Claim Applications

- a) Any individual claiming a retirement annuity, a disability retirement annuity, a survivor benefit, a disability benefit or an occupational disability benefit shall file an application therefor in the form prescribed by the System. This application, together with the membership record, and such other information as may have been compiled during the membership of the member or submitted by the applicant shall constitute the complete record forming the basis of the claim. An application for survivor benefits shall be accompanied by a certified copy of the death certificate, other public record of death, or a physician's certificate of death.
- b) When 90 or more days have elapsed subsequent to the commencement of a member's disability, oral or written notification of the disability shall be deemed sufficient to commence accrual of benefits. Provided, however, if the System fails to receive the documentation required by Section 16-149 or Section 16-149.1 of the Act within six months of the initial notification, no benefits shall accrue until all required documentation is received by the System.
- c) Disability benefits become payable the later of:
  - 1) The 31st calendar day after commencement of absence due to disability;
  - 2) Upon exhaustion of the member's sick leave or (if sick leave is not paid by the employer) when the sick leave would have been exhausted had the member been paid; or
  - 3) The date the System receives notification of disability if more than 90 days have elapsed from the later of:
    - A) commencement of disability; or
    - B) the last day for which salary (including sick leave pay) is payable, whether or not these days are actually paid.
- d) When an individual claiming disability benefits is employed under an

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF PROPOSED AMENDMENTS

agreement for less than 12 full months, neither the 31-day waiting period nor the utilization of sick leave requirement, as contained in subsection (c) above, is satisfied during periods not covered by the agreement. For purposes of granting disability benefits it will be presumed that all employment agreements cover one full school term and are automatically renewable at the commencement of the next school term. Satisfactory evidence must be presented of an employment agreement covering a longer period than a full school term (e.g., 10, 11 or 12 months). Satisfactory evidence will consist of a written statement from the employer.

e) Occupational disability benefits become payable the later of:

- 1) The date after the last day for which salary is paid; or
- 2) The date the System receives notification of disability if more than 90 days have elapsed from the later of:
  - A) the commencement of the disability; or
  - B) the last day for which salary is paid.

f) Death after receipt by the System of an application for a retirement annuity and any outstanding payments is deemed to be a death out of service when calculating survivor benefits.

g) A member may request, in writing, a transfer from a disability benefit to an age retirement annuity or a disability retirement annuity prior to the expiration of the eligible period for disability benefits. The effective date of such annuities shall be the first of the month following receipt of the request. A member receiving a disability retirement annuity may, any time after becoming eligible for age retirement, request in writing a transfer to an age retirement annuity. The effective date of the age retirement annuity will be the first day of the month following receipt of the written request for such transfer.

h) Whenever a member because of employment becomes ineligible to receive a disability benefit, disability retirement annuity or occupational disability benefit but is subsequently disabled for the same cause within 90 days, benefits shall be reinstated at the previous rate upon written application. Benefits will commence the day following the last day the member is eligible to receive salary. If more than 90 days have elapsed, benefits shall be reinstated based on the greater of the member's most recent annual contract salary rate at the time the disability benefit becomes payable or the member's annual contract rate on the date the disability commenced.

i) A member becomes an annuitant of the System upon cashing the first retirement annuity payment or ten calendar days after upon the date the first retirement annuity payment is deposited in the designated member's bank account by electronic funds transfer.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF PROPOSED AMENDMENTS

- a) Any member eligible to receive a refund of contributions pursuant to the provisions of Section 16-151 of the Act shall, if he or she so elects, make a written request therefor upon a form prescribed by the System. A refund is deemed accepted and membership in the System terminates upon the cashing of a refund warrant or the escheat-of-a warrant.
- b) To be credited toward the calculation of a retirement annuity, survivors benefit, or disability benefit, the service canceled by such refund must have been re-established in accordance with the provisions of the Act, by repayment of the refund in full, including statutory interest, prior to the member's retirement, death, or commencement of disability benefits.
- c) Whenever the System determines that there has been a refund not in accordance with the provisions of the Act (an "impermissible refund"), whatever the reason, it shall record such refund as an optional service receivable, with interest at the statutory rate accruing on any unpaid balance from date of refund until date of repayment, and shall notify the member of the amount due.
- d) A member who received an impermissible refund, who does not wish to re-establish the service canceled thereby, may retire without paying the amount due but is barred from making repayment and adding the service credit after retirement.
- e) A member receiving a disability benefit under the provisions of Section 16-149 of the Act is not eligible to receive a refund of contributions until four months following the date for which disability benefits are last paid.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART D: MEMBERSHIP AND SERVICE CREDITS

## Section 1650.310 Effective Date of Membership

- a) The effective date of membership in the System shall be the date of employment by an employer, as recorded by the employer.
- b) In the absence of a record of the date of employment in the official proceedings of the qualifying employer, the date of membership shall be the first payroll day for which contributions were required.
- c) For purposes of calculating the required contributions to purchase military service not immediately following employment under the provisions of 40 ILCS 5/16-128(a)(iii), the date of first membership shall be defined as July 1 of the first year of System contributing service.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF PROPOSED AMENDMENTS

## Section 1650.340 Service Credit for Leaves beave of Absence or-Involuntary Layoffs

- a) For purposes of granting service credit for an approved leave of absence, the statutory return-to-teaching requirement is met when the member returns to teaching service creditable under this System or the State Universities Retirement System for the period of the leave or one year, whichever is less establishes credit with this System or the State Universities Retirement System for at least the lesser of the creditable-period-of-the-leave-or-one-year.
- b) For purposes of this Section, a leave of absence is creditable as an approved leave if: the member did not resign, the employer promised renewed employment at the end of the leave, and the employer through its board took official action to approve the request for leave, or the leave qualifies as a leave under the Family and Medical Leave Act, as certified by the employer.
- c) For purposes of this Section, involuntary layoffs shall not include dismissals for cause or other performance-related reasons. The statutory return-to-teaching requirement is met when the member establishes credit with this System or the State Universities Retirement System for at least the lesser of the creditable period of the layoff or one year.
- d) For purposes of this Section, a layoff occurs when there is a termination of paid employment due to lack of work, lack of funds, abolition of a position, or a material change in duties or organization.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1650.341 Service Credit for Involuntary Layoffs

- a) For purposes of this Section, involuntary layoffs shall not include dismissals for cause or other performance-related reasons. The statutory return-to-teaching requirement is met when the member establishes credit with this System or the State Universities Retirement System for at least the lesser of the creditable period of the layoff or one year.
- b) For purposes of this Section, a layoff occurs when there is a termination of paid employment due to lack of work, lack of funds, abolition of a position, or a material change in duties or organization.

(Source: Added at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## Section 1650.345 Service Credit for Periods Away From Teaching Due to Pregnancy

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF PROPOSED AMENDMENTS

- a) Service credit of up to three years shall be granted for periods beginning prior to July 1, 1983, during which a teacher ceased covered employment due to pregnancy.
- b) For purposes of determining eligibility to receive optional service credit under the provisions of 40 ILCS 5/16-127(b)(5)(iii), the following definitions shall apply:
- 1) "Pregnancy" shall mean the period beginning at the moment of conception and continuing through termination of the pregnancy or delivery of the child.
  - 2) "Due to pregnancy" shall mean due to the state of being pregnant and recovery therefrom due to the termination of a pregnancy or due to the delivery of a child.
  - 3) "Covered employment" means employment in a position requiring membership contributions to the System as a condition of employment.
  - 4) "Teaching service creditable under this System or the State Universities Retirement System" means employment in a position requiring membership contributions to the System or the State Universities Retirement System as a condition of employment.
- c) The documents necessary to establish service credit under this Section shall include:
- 1) School employment records;
  - 2) Medical records;
  - 3) Birth or death certificates; and/or
  - 4) Other documentation, such as corroborating affidavits, that are based upon actual knowledge and are sufficiently specific as to times, dates, places and surrounding circumstances so that the proof of service submitted to the System reliably documents the service to be established while eliminating the possibility of mistake or fraud.
- d) For purposes of granting service credit for periods away from teaching due to pregnancy, the statutory return-to-teaching requirement is met when the member returns to teaching service creditable under this System or the State Universities Retirement System for the period the member was away from teaching due to pregnancy or one year, whichever is less.

(Source: Added at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 1650.350 Service Credit for Unused Accumulated Sick Leave Upon Retirement

- a) To be creditable for retirement purposes, sick leave days must actually be available for use by a member in the event of illness. Service credit is not available and shall not be computed for sick leave days added to the record of a member for the purpose of increasing a member's retirement service credit. To determine if any

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF PROPOSED AMENDMENTS

sick leave days granted by an employer in excess of the member's normal annual sick leave allotment during a member's final years of employment are actually available for use and reportable to the System as service credit, the System shall apply the following formula:

- 1) from the date upon which the sick leave days were granted, the number of days remaining in the school term or the member's employment agreement, whichever is greater, until termination shall be determined;
  - 2) from the resulting number of days the System shall subtract the number of sick leave days previously accrued by the member; and
  - 3) the difference is the maximum number of sick leave days that may be reported in addition to those days previously accrued, provided that the employer will allow the member to use such days in the event of illness prior to termination.
- b) Unused and uncompensated sick leave days are not eligible for service credit at retirement when the member receives direct compensation for such days. Direct compensation means payment of salary, wages, fringe benefits, contributions, bonuses and lump sum payments before or after retirement. Notwithstanding the foregoing provisions of this subsection (b), a member is not deemed compensated if his or her employer maintains or establishes a reward system (based upon daily attendance of employees) which pays additional benefits to a member (including but not limited to salary) and which does not reduce the accumulated sick leave days available for use and credited to the member by the employer. Effective July 1, 1998 1997, if a member receives payment of any kind for accumulated sick leave days before or after termination, no service credit shall be available for the days so compensated.
- c) For purposes of calculating a retirement annuity, the System shall not grant service credit for any days withdrawn by the member from a sick leave bank in excess of the days deposited therein and unused by the member.
- d) Accumulated personal leave days are governed by the same standards set forth in subsections subsection (a) and (b) above for sick leave days, but only if they were actually available for use by a member in the event of illness.
- e) Accumulated, unused vacation days are not creditable with the System.
- (Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

### Section 1650.355 Purchase of Optional Service - Required Minimum Payment

The required minimum payment upon a member's outstanding optional service account balance shall be \$50.00 or the balance due, whichever is less.

(Source: Added at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)



## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF PROPOSED AMENDMENTS

**Section 1650.380 Definition of Actuarial Equivalent**

"Actuarial equivalent" as defined in Section 16-122 of the Illinois Pension Code [40 ILCS 5/16-122] shall mean a benefit or sum of equal value to another benefit or sum when computed on the basis of:

- a) the UP 1984 Mortality Table with the ages of primary annuitants set back six years and the ages of contingent annuitants set back six years; and
- b) interest at 8% per annum, compounded annually.

(Source: Added at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

**Section 1650.390 Independent Contractors**

Any individual claiming to be an independent contractor exempt from System membership or the post-retirement work limits governing annuitants as set forth in 40 ILCS 5/16-118 must file Form SS-8 (Determination of Employee Work Status for Purposes of Federal Employment Taxes and Income Tax Withholding) with the Internal Revenue Service (IRS) seeking confirmation of independent contractor status. An IRS Form SS-8 independent contractor determination must be filed with the System before an individual can be considered to be exempt from System membership or Article 16 post-retirement work limits.

(Source: Added at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART E: CONTRIBUTION CREDITS AND PAYMENTS

**Section 1650.410 Refunds for Duplicate or Noncreditable Service**

- a) In the event contributions to the System are made in error for service covered by another public employee pension system in Illinois, a refund of such contributions shall be made.

- b) If a member contributes to the System for optional teaching service, but is unable to claim all of this service at the date of retirement or death because the service is determined to be noncreditable (for example, when the member's service record at retirement or death causes the optional service to be excess service, based on the statutory limits on the allowed proportion of out-of-system to regular service), then a refund of contributions for such service shall be paid to the member or the member's beneficiaries. Regular interest as defined in Section 16-112 of the Act shall be paid for the period from the date of payment of contributions for optional teaching service to the end of the month in which the refund is processed.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF PROPOSED AMENDMENTS

**Section 1650.460 Calculation of Average Salary**

- a) The member's annual salary rate shall be used by the System when calculating average salary. If a member has a full year of service credit and the annual salary includes leave of absence earnings and substitute earnings or part-time noncontractual earnings, the annual salary rate for average salary purposes will never be less than the salary rate the leave of absence earnings is based upon. If a member receives less than one year of service credit in any school year, salary shall consist of creditable earnings.
- b) The highest four consecutive school years of service within the last ten years of creditable service shall be deemed the four highest consecutive credit years posted to the member's account. Provided, however, if a member is credited with less than one school year, the System shall use partial consecutive years to establish four consecutive years of salary.
- c) For average salary calculation purposes, a school year is the period July 1 to the following June 30.
- d) When a member's employer consolidates or annexes with another employer, the consolidation or annexation shall not constitute a change of employer and the average salary shall be computed as though all salary were earned under the same employer.
- e) Where there are creditable earnings for less than a full year of service credit, and those earnings are used in the calculation of the average salary, the annual salary rate for those earnings is considered in the calculation of any member and employer contributions under Sections 16-133.2, 16-133.3, 16-133.4 and 16-133.5 of the Act.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## SUBPART F: RULES GOVERNING ANNUITANTS AND BENEFICIARIES

**Section 1650.560 Benefits Payable on Death**

Survivor benefits--if applicable shall be paid in accordance with the applicable provisions of Article 16 in effect on the date of the member's or annuitant's death. If the member or annuitant has failed to name a beneficiary, money is due--no beneficiary named--and no administration--of--the estate--is--desired--or--required--they--upon--satisfactory--proof--of--death--the System may make payment through a small estate affidavit provided the requirements of 755 ILCS 5/Art. 25 are met. The--small--estate--affidavit--is acceptable--by--the--System--if--the--assets--of--the--estate--are--less--than--\$50,000--in value. If the assets of the estate are equal to--or greater than the limit allowed for small estate affidavits \$50,000--in--value, letters of administration or proof of heirship deemed reliable by the System shall be required by the System in order to process any death benefits. Whenever death benefits--are payable--to--persons--not--located--the--System--shall--pay--those--moneys--to--the--estate

## TEACHERS' RETIREMENT SYSTEM OF THE STATE OF ILLINOIS

## NOTICE OF PROPOSED AMENDMENTS

or-other-designated-beneficiaries-upon-receipt-of-an-indemnifying-bond-

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

Section 1650.590 Comptroller Offset

Prior to the referral of any debt owed the System to the Office of the Comptroller for collection through the Comptroller Offset System as authorized under Section 10.05 of the State Comptroller Act [15 ILCS 405/10.05] and Section 5 of the Illinois State Collection Act [30 ILCS 210/5], the System shall provide the debtor:

- a) Written notice that the debt is being referred to the Comptroller for offset. The notice shall set forth the amount of and basis for the debt. The notice shall further advise the debtor of the debtor's right to a hearing to contest the debt by filing a written request with the System within 30 days after receipt of the notice by the debtor. Failure to request a hearing within the 30 days provided shall terminate any right to a hearing before the System;
- b) A hearing with the System, if requested by the debtor, to allow the debtor an opportunity to establish the debt has been paid or is not owed. The hearing shall be held before a three-member panel consisting of the System's Controller, Deputy Director of Benefits and Manager of Accounting, or their designees; and
- c) A written decision advising the debtor of the basis for the panel's decision.

(Source: Added at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENT

Heading of the Part: Aviation Safety

Code Citation: 92 Ill. Adm. Code 14

Section Numbers: 14.775  
Proposed Action: Amend

- 1) Heading of the Part: Aviation Safety
- 2) Code Citation: 92 Ill. Adm. Code 14
- 3) Section Numbers: 14.775  
Proposed Action: Amend
- 4) Statutory Authority: Implementing and authorized by Sections 28, 42(3), and 47 of the Illinois Aeronautics Act [620 ILCS 5/28, 42(3) and 47].
- 5) A Complete Description of the Subjects and Issues Involved: By this Notice of Proposed Amendments, the Department is amending Section 14.775, "Restrictions on Use." Currently this Section, which deals with restricted landing areas, does not allow restricted landing area (RLA) heliports to be used by helicopters carrying passengers for hire. Many hospitals in Illinois have RLA heliports as part of their emergency service facilities. The patients transported by helicopter to these RLA heliports pay for the privilege; therefore, it could be argued that they are passengers for hire.

It has never been the Department's intention to prohibit medical flights into hospital RLA heliports. Medical flights are the very reason these hospital RLA heliports were created. Rather than take a chance that a helicopter operator might refuse to land at a hospital RLA heliport because it may be a technical violation of this Part, the Department is proposing that Section 14.775 be amended to show that emergency medical flights are allowed at hospital RLA heliports.

The Department is also proposing to delete the language in Section 14.775 allowing passenger for hire operations when there is "a continuing bilateral contract or contracts." This language serves no purpose and could be construed to mean that a passenger for hire flight might be allowed if the pilot were to radio ahead and request that the RLA heliport operator agree to let him land.

6) Will this rulemaking replace any emergency rulemaking currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This amendment will allow hospital RLA heliports to be used as they were originally intended. The reason these landing facilities exist is to provide a way for patients to be transported by air to and from the subject hospitals. The Illinois



## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENT

Department of Transportation and its predecessor, the Illinois Department of Aeronautics, never considered that such medical flights would be considered carrying passengers for hire. Now that it appears some of these medical flights could be construed as carrying passengers for hire, the Department is amending this part to accomplish the original and continuing intention. Local communities will benefit by having a means for their citizens to receive medical care quickly elsewhere and by being able to accept patients in their hospitals from other areas.

- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Any interested party may submit written comments or arguments concerning this proposed rule. Written submissions shall be filed with:

Mr. James V. Bildilli, Chief  
Bureau of Aviation Education and Safety, Division of Aeronautics  
Illinois Department of Transportation  
#1 Langhorne Bond Dr.  
Springfield, IL 62707  
(217) 785-8516

JCAR requests, comments and concerns regarding this rulemaking should be addressed to:

Christine Caronna-Beard, Rules Manager  
Illinois Department of Transportation  
2300 South Dirksen Parkway, Room 300  
Springfield, IL 62764  
(217) 782-3215

Comments received within 45 days after publication of this *Illinois Register* will be considered. Comments received after that time will be considered, time permitting.

- 12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: Hospitals and helicopter operators will be able to continue to serve the medical needs of patients that need to be transferred by air.

B) Reporting, bookkeeping or other procedures required for compliance:  
None

C) Types of professional skills necessary for compliance: No new or additional skills are needed.

- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENT

not included on either of the 2 most recent agendas because: An RLA operator brought this problem to the Department's attention subsequent to the publication of the Department's two most recent regulatory agendas.

The full text of the Proposed Amendment begins on the next page:

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENT

TITLE 92: TRANSPORTATION  
 CHAPTER I: DEPARTMENT OF TRANSPORTATION  
 SUBCHAPTER b: AERONAUTICS

PART 14  
 AVIATION SAFETY

## SUBPART A: INTRODUCTION

Section  
 14.10 Definitions

## SUBPART B: AIRCRAFT REGISTRATION

Section

14.210 Annual Registration of Aircraft Required  
 14.220 Time and Manner of Registration  
 14.230 Exhibition of Federal Aircraft Certificates and Certificate of Registration thereof  
 14.240 Exceptions to Registration Requirements

## SUBPART C: PILOT REGISTRATION

Section

14.310 Annual Registration of Pilots Required  
 14.320 Time and Manner of Registration  
 14.330 Exhibition of Federal Pilot Certificates and Certificate of Registration thereof  
 14.340 Exceptions to Registration Requirements

## SUBPART D: AIR SAFETY

Section

14.410 Responsibility and Authority of Pilot  
 14.420 Use of Liquor, Narcotics and Drugs  
 14.430 Dropping Object from Aircraft  
 14.440 Acrobatic Flight  
 14.450 Transportation of Explosives and Other Dangerous Articles  
 14.460 Spraying, Dusting, Seeding, Etc.  
 14.470 Public Fly-In Events-Prevention of Accidents Due to Overcrowding of Landing Areas  
 14.480 Applicability

SUBPART E: REPORTING OF ACCIDENTS UNDER AIRCRAFT  
 FINANCIAL RESPONSIBILITY LAW

Section

## DEPARTMENT OF TRANSPORTATION

## NOTICE OF PROPOSED AMENDMENT

14.510 Duty of Owner to Report  
 14.520 Deposit of Security - When Required  
 14.530 Exceptions to Requirements for Posting of Security  
 14.540 Reduction in Security  
 14.550 Custody and Disposition of Security  
 14.560 Penalties  
 14.570 Self-Insurers  
 14.580 Fleet Policy  
 14.585 Duration of Suspension  
 14.590 Return of Security  
 14.595 Multiple Owners  
 14.597 Exceptions

## SUBPART F: AIRPORTS

Section

14.610 Operation Without Certificate of Approval Unlawful  
 14.620 Application for Certificate of Approval  
 14.625 Airport Classification  
 14.630 Application for Transfer of Certificate of Approval  
 14.640 Alteration or Extension of an Existing Airport Unlawful Without Certificates of Approval  
 14.650 Standards for Issuing Certificate of Approval  
 14.655 Location  
 14.660 Design and Layout  
 14.665 Obstructions  
 14.670 Airport Marking  
 14.675 Facilities  
 14.680 Airports for Non-Conventional Aircraft  
 14.685 Responsibility of Certificate Holder  
 14.690 Posting of Rules  
 14.695 Waivers

## SUBPART G: RESTRICTED LANDING AREAS

Section

14.710 Operation Without Certificate of Approval Unlawful  
 14.720 Application for Certificate of Approval  
 14.730 Transfer of Certificates  
 14.740 Alteration or Extension of an Existing Restricted Landing Area Unlawful Without Certificate of Approval  
 14.750 Standards for Issuing Certificates of Approval  
 14.760 Location  
 14.765 Landing Area  
 14.770 Responsibility of Certificate Holder  
 14.775 Restrictions on Use  
 14.780 Exceptions  
 14.785 Illinois Aeronautical Chart



DEPARTMENT OF TRANSPORTATION  
NOTICE OF PROPOSED AMENDMENT

14.790 Restricted Landing Area - Heliport  
14.792 Restricted Landing Area - Heliport Approach Zones  
14.795 Subchapter 9 to Apply to Restricted Landing Area - Heliports  
14.797 Restricted Landing Area - Balloon Ports  
14.799 Waivers

SUBPART H: SPECIAL PURPOSE AIRCRAFT

Section  
14.810 Operation Without Certificate of Registration Unlawful  
14.820 Special Purpose Aircraft Designation  
14.830 Registration  
14.840 Exemption from Registration  
14.850 Compliance with Aircraft Registration  
14.860 Principal Base of Operations  
14.865 Liability  
14.870 Prohibitions on Use  
14.875 Proximity  
14.880 Glider-Sailplane Operations  
14.885 Balloon Flight and Operations  
14.890 Saving Clause

SUBPART I: PRACTICE AND PROCEDURE

Section  
14.902 Purpose and Applicability  
14.905 Filing of Documents  
14.910 Formal Specifications  
14.915 Reproduction of Documents  
14.920 Copies  
14.925 Verification of Documents  
14.930 Identity of Filer  
14.935 Informal Documents  
14.940 Amendment of Documents  
14.945 Responsive Documents  
14.950 Service of Documents  
14.955 Appearances  
14.960 Informal Participation in Hearing Cases  
14.965 Formal Participations  
14.970 Computation of Time  
14.975 Extensions of Time  
14.980 Motions  
14.985 Answers to Motions  
14.990 Subpoenas  
14.995 Administrative Law Judge ("ALJ")  
14.997 Hearings  
14.998 Petition for Rehearing  
14.999 Judicial Review (Repealed)

DEPARTMENT OF TRANSPORTATION  
NOTICE OF PROPOSED AMENDMENT

APPENDIX A Closed Airport and Closed Runway Marker  
APPENDIX B Mono-Directional Airport Minimum Standards  
APPENDIX C Approach Zones for Heliports Including Glide and Transition Slopes  
APPENDIX D Restricted Landing Area Farming and Obstruction Standards Plat  
TABLE A Visual Flight Rules  
TABLE B Airport Physical Standards  
TABLE C Heliport Physical Standards  
TABLE D Airport Classification Standards

AUTHORITY: Implementing and authorized by Sections 28, 42(3), and 47 of the Illinois Aeronautics Act [620 ILCS 5/28, 42(3) and 47].

SOURCE: Filed December 28, 1977; codified at 8 Ill. Reg. 19592; amended at 9 Ill. Reg. 4141, effective March 13, 1985; amended at 9 Ill. Reg. 20914, effective December 12, 1985; amended at 18 Ill. Reg. 13461, effective August 19, 1994; amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_.

SUBPART G: RESTRICTED LANDING AREAS

Section 14.775 Restrictions on Use

- a) Except as provided in Section 14.780, the following operations shall not be conducted on a restricted landing area: carrying of passengers for hire other than for emergency medical services purposes ~~the carrying-of-passengers-for-hire-under-a-continuing-bilateral-contract or-contracts~~; student instruction; rental of planes; air meets or exhibitions; sale of gasoline and oil; or advertising for any of the above.
- b) The carrying of passengers for hire in a continuous flight from and to any one given location other than a certificated commercial airport is expressly prohibited unless in accordance with Section 14.780(b). Flight from Public Roads is also expressly prohibited.

(Source: Amended at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)

## DEPARTMENT OF CHILDREN FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Rate Setting
- 2) Code Citation: 89 Ill. Adm. Code 356
- 3) Section Numbers:
- |       |                 |                        |
|-------|-----------------|------------------------|
| 356.1 | Renumber        | <u>Adopted Action:</u> |
| 356.2 | Renumber, Amend |                        |
| 356.3 | Renumber, Amend |                        |
| 356.4 | Renumber, Amend |                        |
| 356.5 | Renumber, Amend |                        |
| 356.6 | Renumber        |                        |
| 356.7 | Renumber, Amend |                        |
- 4) Statutory Authority: 20 ILCS 505/5a
- 5) Effective Date of Rulemaking: November 1, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: November 1, 1996
- 9) Notice of Proposal Published in Illinois Register: July 12, 1996, 20 Ill. Reg. 8805
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version: JCAR recommended minor editing and style changes, which were incorporated into the final, adopted text of the rules.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? Yes
- 14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: The Department of Children and Family Services will be providing the child care institution, group home, maternity center, and shelter providers which contract with the Department with a three per cent cost of living adjustment from the amount paid to the provider effective June 30, 1996. This cost of living adjustment is effective for the period from July 1, 1996 through June 30, 1997 (State Fiscal Year 1997) and, from State Fiscal Year 1997, will replace the Department's established rate setting methodology for granting periodic rate adjustment for residential care providers. This three per cent cost

## DEPARTMENT OF CHILDREN FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

of living rate adjustment does not preclude the possibility for rate adjustments based upon changes in program Services. The change in rate methodology was adopted via emergency rules effective July 1, 1996. These adopted amendments continue the emergency rules in effect.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Name: Jacqueline Nottingham, Chief  
 Address: Office of Rules and Procedures  
 Department of Children and Family Services  
 406 E. Monroe Street, Station #65  
 Springfield, Illinois 62701-1498  
 Telephone: (217) 524-1983

The full text of the Adopted Amendment begins on the next page:



## DEPARTMENT OF CHILDREN FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES  
CHAPTER III: DEPARTMENT OF CHILDREN AND FAMILY SERVICES  
SUBCHAPTER C: FISCAL ADMINISTRATION

PART 356  
RATE SETTING

- Section 356.1 Purpose (Renumbered)  
356.2 Definitions (Renumbered)  
356.3 Types of Reimbursement Made by the Department (Renumbered)  
356.4 Cost Information Requirements of Providers (Renumbered)  
356.5 Determining Rate Reimbursement Levels (Renumbered)  
356.6 Disallowable Costs and Reduced Reimbursement (Renumbered)  
356.7 Notice and Appeal of Provider Rates (Renumbered)  
356.101 Purpose  
356.202 Definitions  
356.303 Types of Reimbursement Made by the Department  
356.404 Cost Information Requirements of Providers  
356.505 Determining Rate Reimbursement Levels  
356.606 Disallowable Costs and Reduced Reimbursement  
356.707 Notice and Appeal of Provider Rates

AUTHORITY: Implementing and authorized by the Children and Family Services Act (20 ILCS 505).

SOURCE: Adopted at 5 Ill. Reg. 324, effective December 29, 1981; amended at 6 Ill. Reg. 11851, effective September 30, 1982; amended at 10 Ill. Reg. 11432, effective July 1, 1986; amended at 11 Ill. Reg. 675, effective January 2, 1987; amended at 11 Ill. Reg. 7255, effective April 15, 1987; amended at 18 Ill. Reg. 11512, effective July 8, 1994; emergency amendment at 20 Ill. Reg. 9265, effective July 1, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14390, effective NOV 01 1996.

## Section 356.1 Purpose (Renumbered)

(Source: Section 356.1 renumbered to Section 356.10 at 20 Ill. Reg. 14390, effective NOV 01 1996)

## Section 356.2 Definitions (Renumbered)

(Source: Section 356.2 renumbered to Section 356.20 at 20 Ill. Reg. 14390, effective NOV 01 1996)

## Section 356.3 Types of Reimbursement Made by the Department (Renumbered)

(Source: Section 356.3 renumbered to Section 356.30 at 20 Ill. Reg. 14390, effective NOV 01 1996)

## DEPARTMENT OF CHILDREN FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## Section 356.4 Cost Information Requirements of Providers (Renumbered)

(Source: Section 356.4 renumbered to Section 356.40 at 20 Ill. Reg. 14390, effective NOV 01 1996)

## Section 356.5 Determining Rate Reimbursement Levels (Renumbered)

(Source: Section 356.5 renumbered to Section 356.50 at 20 Ill. Reg. 14390, effective NOV 01 1996)

## Section 356.6 Disallowable Costs and Reduced Reimbursement (Renumbered)

(Source: Section 356.6 renumbered to Section 356.60 at 20 Ill. Reg. 14390, effective NOV 01 1996)

## Section 356.7 Notice and Appeal of Provider Rates (Renumbered)

(Source: Section 356.7 renumbered to Section 356.70 at 20 Ill. Reg. 14390, effective NOV 01 1996)

## Section 356.10 356-1 Purpose

The Department's requirements for determining purchased care rate reimbursements are described in these rules. Also described are certain reporting requirements, audit requirements, allowable costs, disallowable costs, cost standards, profit factors, and the relationship between units of service provided and reimbursement rates.

(Source: Renumbered from Section 356.1 at 20 Ill. Reg. 14390, effective NOV 01 1996)

## Section 356.20 356-2 Definitions

"Administrative cost" means those costs related to the management and organizational maintenance of the purchase of care provider such as program administration, postage, and clerical support.

"Allowable costs" means those reasonable costs as defined herein, which will be considered for reimbursement. Prior to the final rate determination, allowable costs are subject to revenue offset and application of reasonable cost standards if applicable, as specified in Section 356.50 356-5.

"Cost report" means a report of all costs to a provider which are directly associated with services purchased by the Department for its clients.

"Disallowable costs" means those costs which will not be considered

## DEPARTMENT OF CHILDREN FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

for reimbursement.

"For-profit agencies" means those agencies which are registered as for-profit by the Secretary of State and recognized as for profit entities by the Internal Revenue Service.

"Fringe benefits" means those provider costs not paid as salaries but incurred by agencies directly for the benefit of their employees. Fringe benefits include, but are not limited to employee health and retirement benefits, payroll taxes, worker's compensation insurance and unemployment compensation insurance. Liability insurance and malpractice insurance are not considered fringe benefits because the provider itself receives substantial benefits and protections from incurring those costs.

"Historical costs" means the total expenditure incurred for all programs the purchase of care provider provided for the previous state fiscal year, which are presented via certified audit.

"Ownership costs" means the costs of maintenance, utilities, property and building insurance, depreciation, amortization of leasehold improvements, rent, property taxes, interest and other related costs.

"Preoperating expenses" are those operating expenses which are incurred in making preparation for rendering client care before the first client is admitted (e.g., costs based upon the amount of time an executive director spends on developing a new program prior to the initiation of program services, staff salaries paid during training prior to the initiation of program services, etc.).

"Purchase of care providers" means those service providers with whom the Department of Children and Family Services (Department) does business through contracts on a reimbursable basis for units of service delivered to specific clients.

"Reasonable costs" means those costs incurred by purchase of care providers which are determined to be necessary and appropriate in accordance with Section 356.50 956-5.

"Reimbursement rates" are rate levels used by the Department to reimburse for institutional and group home care; foster care; day care center and home care; adoption, counseling and homemaker service and others as required for contracting purposes. These services are further defined in 89 Ill. Adm. Code 302, Services Delivered by the Department.

"Revenues to be offset" means funding provided by a governmental unit via a grant mechanism which is not clearly linked to the provision of

## DEPARTMENT OF CHILDREN FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

service to any one particular client. The Department will wholly or partially discount such funding in determining the providers' reimbursable costs.

"Support costs" means the costs of: food and dietary, laundry, housekeeping, and other related costs.

"Total agency costs" means the total expenditure incurred for all programs the purchase of care provider provides during a State state fiscal year.

"Unit of service" means a measured length of time such as an hour or a day or some other measurable service component that will enable the Department to determine the amount of service provided individually or in aggregate to clients.

(Source: Renumbered from Section 356.2 and amended at 20 Ill. Reg. 14390, effective NOV 01 1996)

Section 356.30 356-3 Types of Reimbursement Made by the Department

a) The Department will reimburse providers through payments made according to standard reimbursement levels and through reimbursement levels which are specifically negotiated through contract. The Department shall notify the provider in writing of the reimbursement rate.

b) Reimbursement according to rate reimbursement levels.

1) The Department shall adopt the rates promulgated by another state agency where that agency is the primary purchaser of service. This shall include hospitals, nursing homes, community living facilities and individual medical care providers.

2) The Department shall calculate standard rates in accordance with Section 5a of the Children and Family Services Act [20 ILCS 505/5a] Paragraph--5a-of-An-Act-Creating-the-Illinois-Department-of-Children-and-Family-Services--(Ill-Rev-Stat--1979--ch--237-par--5505a). This calculation will consider the minimum wage law, U. S. Department of Agriculture cost statistics, the age of the children ~~child~~ to be served, the nature of the children's ~~child's~~ service needs, the experience and background of the individual provider, and the type of service provided. Reimbursement rates for these providers are set by the Department utilizing market surveys and independent cost analyses in order to arrive at a reasonable cost for specific units of service unless otherwise specified in this Part. Services for which the Department shall calculate standard rates include, but are not limited to agency foster care, agency adoption services and day care.

3) The Department shall calculate individual program rates for child care institutions, group homes, independent living arrangements



## DEPARTMENT OF CHILDREN FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

and maternity centers subject to the provisions of Section 356.50 356-5.

- c) Reimbursement according to negotiated contracts. Agencies who provide services which reflect a significant variance in the type of service and type of client are reimbursed according to reasonable cost standards as established by the Department's approved rate methodology. See Section 356.50 356-5.

(Source: Renumbered from Section 356.3 and amended at 20 Ill. Reg.

**14390**, effective NOV 01 1996)

## Section 356.40 356-4 Cost Information Requirements of Providers

- a) Cost Reporting - The Department shall require the annual filing of a certified cost report on a schedule provided by the Department. The time period covered by the cost report shall correspond to the Department's fiscal year unless otherwise approved by the Department. The Department may designate cost reports filed by the provider with other state agencies as suitable for fulfilling this requirement when those reports provide all of the information needed by the Department in a clear and usable way. Cost reports shall be available to the general public upon written request. The Department will immediately notify a provider of any requests for its cost reports. No cost report will be released sooner than two weeks from the date the provider was notified of the request. The reports will be provided at cost.

- b) Accrual Accounting - The provider shall use the accrual basis of accounting when reporting financial data.

- c) Audits - Providers shall cooperate in any audits undertaken to verify the truth, accuracy, and completeness of reported costs, in accordance with 89 Ill. Adm. Code Part 434, Audits, Reviews, and Investigations.

- d) Total Costs - Providers must report all costs of service and must disclose their total costs. Supporting documentation will be required to verify the costs allocated to each of the various services the Department purchases and to the sum of other services the agency provides. The reported total cost must be certified by an independent, certified auditor.

- e) Historical Costs - Historical costs will be established when the provider has operated one or more years and independent auditors concur with the reported total costs. New providers who have not established their historical costs shall be permitted to submit budgeted information for the first fiscal reporting period. However, no rate increases shall be authorized for the next fiscal year until audited historical costs are available. When the rate increase is authorized based on historical costs, it will coincide with the effective date of the contract if the audit is received in accordance with contractual requirements.

- f) Other Information Required - As a condition of contract issuance or

## DEPARTMENT OF CHILDREN FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

renewal, the Department will request and shall receive any other financial information, reasonably related to rate determination, needed to determine the provider's costs.

(Source: Renumbered from Section 356.4 and amended at 20 Ill. Reg. **14390**, effective NOV 01 1996)

## Section 356.50 356-5 Determining Rate Reimbursement Levels

This Section applies to those situations where the Department promulgates standard or individual rates identified in Section 356.30(b)(2) 356-3(b)(2) and (3).

- a) Forms - Financial reporting forms shall be used in establishing rates of reimbursement, regardless of the type of service provided.

- b) For-Profit Agencies - Contracts with for-profit agencies must clearly identify any profit factor which must directly correspond to units of services provided. Profit will be categorized as an administrative cost and will be limited to nine percent of the total contract amount. Profit will also be included in calculating the overall administrative cost standard.

- c) Reasonable Cost Standards - Reasonable cost standards shall be applied to certain categories of costs except that program and transportation costs may be exempted if warranted by the special needs of the clientele. The reasonable cost standards establish reimbursement ceilings for categories of costs. The standards are derived from the median costs of all agencies providing similar services. Fringe benefits above 25 percent of salaries shall not be reimbursed by the Department. Administrative costs may not exceed 20 percent of the costs for other services. Reimbursement may exceed the reasonable cost standards if a higher rate is negotiated as a result of a rate appeal that clearly demonstrates that costs in excess of the standards ~~standards~~ are the result of a necessary level of resources purchased in a prudent manner. However, administrative costs may not exceed 20 percent of the costs of other services.

- d) Revenues to be Offset - Revenues to be offset shall include grants, other non-purchase-of-service revenue from other governmental agencies, revenues from the school lunch program, and revenues from local education agencies. All revenues to be offset shall be reported by the provider. These revenues will be considered as part of the resources available to the provider in determining reasonable costs. The Department will not reimburse a provider for the proportion of services or administrative charges that have been paid, wholly, or in part, by such revenues.

- e) Units of Service and Provider Capacity - Reimbursement rates shall be determined on the basis of actual units of service provided or the median utilization for all agencies providing similar services, whichever is greater. However, significant deviations from the utilization level may be used in rate-setting if unusual circumstances

## DEPARTMENT OF CHILDREN FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

beyond the control of the provider directly caused a significant change in occupancy rates.

- f) Special Provisions for Calculating Individual Rate Reimbursement including Child Care Institutions, Group Homes, Maternity Centers, and Shelter Programs - For State Fiscal Year 1997 (from July 1, 1996 through June 30, 1997) all child care institutions, group homes, maternity centers and shelter programs contracting with the Department of Children and Family Services will receive a three per cent cost of living adjustment based upon the payment rate which was being received as of June 30, 1996. This rate adjustment for State Fiscal Year 1997 applies regardless of the other provisions of this Part.

- 1) The Department will conduct a joint rate calculation with the Illinois Department of Mental Health and Developmental Disabilities.

- 2) Reimbursement rates shall be determined on the basis of actual units of service provided, or the median utilization level for all similar providers, whichever is greater. The maximum utilization level that will be used to determine reimbursement rates shall be 98 percent of licensed or approved program capacity. For the purpose of establishing the median utilization level, residential programs will be grouped into two categories:

- A) Child Care Institutions and Group Homes; and  
B) Maternity Homes and approved Shelter programs.
- 3) The reasonable cost standards for support and ownership costs shall be 120 percent of the median costs of all similar providers. Providers shall be deemed dissimilar, and subject to an adjusted cost standard if one or more of the following conditions has occurred on or after July 1, 1983:

- A) the provider has built an entirely new building used directly by clients of the program,  
B) the provider has renovated a building used directly by program clients and the annual depreciation and/or interest costs are \$20,000 or more, or  
C) the provider has entered a first-time lease for a building used directly by program clients.

- 4) These costs shall be demonstrated by an annual audit cost report and accompanying notes as prescribed by 89 Ill. Adm. Code 434 (Audits, Reviews, and Investigations). The reasonable cost standards shall include a geographic differential factor to reflect the differences in costs due to geographic location when such cost differentials exist. The existence of such differentials is determined by measurement of the audited costs reported by providers and the application of generally accepted statistical tests to these costs. Any geographic differential factor which results from these tests is included in the Department's rate notices sent to providers.

- 5a) Historical costs, except depreciation, interest and amortization of allowable preoperating expenses shall be increased by

## DEPARTMENT OF CHILDREN FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

inflation adjustment factor to reflect the increases in costs caused by general inflation. The maximum increase in a facility's reimbursement rate shall be 150 percent of the inflation adjustment factor for the most current year. The percentage limitation shall be applied to the most recent rate unless that rate declined due to a combination of both reduced utilization and reduced costs. In such case, the next most recent rate shall be used to determine the allowable maximum increase. This limitation will not be applied to cost increases mandated by regulatory agencies or program changes approved by the Department Director.

- 65) New start programs not having historical costs shall have a rate set via a process which begins with completion of a projected historical cost budget in the same format used to set historical cost rates. The Regional Office developing the contract shall negotiate costs based on a comparison of the budget with levels of staffing generally needed for similar programs; with prevailing wage rates; and with levels of supply, ownership, support and other costs common to similar programs. The Office of Contracts and Grants shall review the results and shall engage in further negotiations when an examination of submitted data determines an anomaly or disparity in the data in comparison to other data submitted by other providers. A new start rate shall then be set using the reasonable cost standards applying to the particular program under the terms of this Part Rate with one exception: To allow for the phase-in placement of clients, the divisor applied to costs will be the greater of:

- A) the number five percentage points lower than the median utilization level applying to ongoing programs of the same type; or  
B) the projected utilization agreed to by the Department and the provider.

- g) Special Provisions for Calculation of Standard Rate Reimbursement Levels for Day Care Centers

- 1) Reimbursement rates will be calculated from the costs and utilization information presented in the independent audits. Only reported costs of facilities under contract with the Department will be considered for calculating reimbursement rates.

- 2) The Department will calculate standard reimbursement rates for all similar facilities. The facilities will be separated into geographic groupings that reflect the differences in costs due to geographic location. A standard reimbursement rate will be calculated for each geographic grouping.

- 3) A portion of the fair market value of donated goods and services will be considered for the calculating of standard reimbursement rates. Day care centers are hereby excluded from the prohibition of inclusion of the costs of donated goods and services as stated in Section 356.60 956-6, Disallowable Costs and Reduced



## DEPARTMENT OF CHILDREN FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

## Reimbursement.

- 4) The divisor applied to costs in order to calculate rates shall be the greater of 85 percent of the licensed or approved program capacity or actual units of service.
- 5) The Department may make adjustments to reported wage and salary levels if it determines that they are insufficient to attract capable caregivers in sufficient numbers.
- h) Special Provisions for Calculation of Standard Rate Reimbursement for Non-Center Based Day Care Programs
  - 1) Reimbursement rates will be calculated from the results of separate market surveys completed on licensed non-center based day care programs and on those not required to be licensed. For licensed non-center based programs, the market survey will be conducted using a statistically valid random Statewide sample of all such programs. For non-center based programs not required to be licensed, the statistically valid random sample will include an equal number of providers who accept State funds and those listed with the Statewide Child Care Resource and Referral Network but not funded by the State.
  - 2) The Department will calculate separate reimbursement rates for licensed non-center based day care and for non-center based day care programs not required to be licensed. The non-center based day care programs will be separated into geographic groupings that reflect the differences in costs due to geographic location. Standard reimbursement rates will be calculated for each geographic grouping for licensed non-center based programs and for those not required to be licensed.

(Source: Renumbered from Section 356.5 and amended at 20 Ill. Reg. **14390**, effective NOV 01 1996)

**Section 356.60 356-6 Disallowable Costs and Reduced Reimbursement**

Certain costs shall not be considered by the Department for reimbursement. Cost standards may be applied to costs claimed to yield reasonable costs. Disallowable costs shall include:

- a) expenses resulting from transactions with related parties and/or parent organizations which are greater than the expense to the related party;
- b) non-straightline depreciation;
- c) research items except as approved by the Department for program evaluation;
- d) bad debts;
- e) special benefits to owners, including owner and key-man life insurance;
- f) compensation to non-working owners and officers;
- g) discounts, rebates, allowances, and charity grants offered by the agency;

## DEPARTMENT OF CHILDREN FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

- h) entertainment expenses;
- i) fund-raising;
- j) revenue producing expenses;
- k) legal fees for litigation with governmental agencies;
- l) non-program related activities;
- m) membership to national, state, or parent organizations;
- n) awards and grants to individuals;
- o) fines and penalties;
- p) mortgage and loan principal payments;
- q) contingency funds;
- r) losses on other grants and contracts;
- s) expenses relating to the development of bids or proposals;
- t) housing of non-clients (does not prohibit the expense of live-in staff);
- u) severance pay;
- v) federal and state income tax;
- w) sales tax; and
- x) other costs not reasonably related to services.

(Source: Renumbered from Section 356.6 at 20 Ill. Reg. **14390**, effective NOV 01 1996)

**Section 356.70 356-7 Notice and Appeal of Provider Rates**

- a) Provider Eligibility - Purchase of service providers for whom the Department calculates individual rates (refer to Section 356.30(b)(3) 356-3(b)(3)) or negotiates rates (refer to Section 356.30(c) 356-3(c)) are eligible to appeal their rates, subject to the provisions of this Section section.
- b) Notice in Filing of Appeal - Appeals of the rate reimbursement determination shall be submitted in writing by the provider to the Director of the Department within 60 days after of the written notice by the Department disclosing the provider reimbursement rate. Notice shall be effective upon the date of mailing to the provider's address. Appeals submitted more than 60 days after the notice will not be considered by the Department, except as defined in Section 356.70(d)(2) 356-7(d)(2).
- c) Principles of Appeals Process - The appeals process is designed to allow a provider petition for an increase in its reimbursable cost rate in response to circumstances which are beyond the control of the provider, which have an impact upon current operating costs, and which were not included in the Department's determination of the current allowable costs. In order to hear an appeal, the provider must have a current signed contract.
- d) Basis for Increase in Reimbursable Cost - Increases in reimbursable cost can be granted by the Department for the following reasons and in the following categories:
  - 1) Change in Historical Cost Data

## DEPARTMENT OF CHILDREN FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

A) Appeals submitted for the reasons listed below in relation to historical cost data must be received by the Department within 60 days after of reimbursable rate notice. Any change in rate, either positive or negative, as a result of the appeal process will automatically coincide with the effective date of the contract.

- i) Mechanical or clerical errors were committed by the Department.
- ii) There has been a substantial decrease in external Government grants which the Department determines seriously limits the ability of the agency to deliver required services to Department clients; to the extent that such revenues were considered available when the Department approved the reimbursable cost of the provider.
- iii) The Agency was able to document and justify that the Department's treatment of its historical cost data resulted in an inequitable application of the rate-setting process.

B) Appeals submitted due to mechanical or clerical errors committed by the provider on required cost reports and used by the Department in the calculation of reimbursable cost must be received by the Department within 60 days after of reimbursable rate notice. Any changes in rate, either positive or negative, as a result of the appeal process, will be reflected in a contract amendment. The effective date of the new rate will be the effective date of the amendment or the date the amendment is signed by the Director, whichever occurs first.

## 2) Changes in Current or Anticipated Cost Status

Appeals submitted for the reasons cited below in relation to current cost impacts must be received by the Department no later than the end of the first quarter of the current State fiscal year. Any change in rates, either positive or negative, as a result of the appeal process, will be reflected in a contract amendment. The effective date of the new rate will be the effective date of the amendment, or the date the amendment is signed by the Director of the Department, whichever occurs first.

- A) The Department and the provider have reached mutual agreement that substantive changes and/or enhancement of the current program are necessary and/or desirable.
- B) The Department and the provider have reached mutual agreement that it is necessary and/or desirable to adjust the licensed capacity of a facility or program.
- C) The Department required substantial program changes as a result of mandated licensing requirements.
- D) State and Federal regulatory requirements have generated a substantial increase in reimbursable cost during the current

## DEPARTMENT OF CHILDREN FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

contract year.

- E) The provider has recently experienced or expects to experience a substantial decrease in external Government grants which the Department determines seriously limits the ability of the agency to deliver required services to Department clients; to the extent that such revenues were considered available when the Department approved the reimbursable cost of the provider.
- e) Effective Date of a Redetermined Rate - Any redetermination of reimbursable cost rate through appeal must result in a contract amendment. The effective date of any re-established or redetermined rate will reflect the stipulations of the category of appeal as noted in Section 356.70(d)(1) 356-74777 and (2).
- f) Procedures for Filing Appeals - An appeal for an increase in the reimbursable cost shall be submitted in writing to the Administrator of the Office of Contracts and Grants with a copy to the Lead Regional Administrator.

- 1) An appeal shall include but not be limited to:

A) the current approved reimbursable cost and the reimbursable costs sought pursuant to the appeal;

B) a clear, concise statement of the reasons for the appeal;

C) a detailed statement of financial, statistical and related information in support of the appeal, which indicates the relationship between the additional cost submitted and the change of circumstances or other reasons for the higher cost;

D) a citation to any statutory, regulatory, or contractual requirement pertinent to the appeal; and

E) certification under penalty of perjury by either the chief executive officer or the financial officer of the provider that the application and all the information reports, schedules, budgets, books and records submitted are true, correct and accurate.

- 2) The Department will not accept or process an appeal which does not meet the requirements of this Section section. In addition, no appeal can be acted upon unless the provider has filed an acceptable certified audit for the previous fiscal year and has a current signed contract.

3) Any documentation submitted in support of this appeal which is subsequent to filing of the appeal, shall contain the same certification described in subsection paragraph (f)(1)(E) (5) above.

- g) Review by the Administrator Responsible for Contracts and Grants

1) When a provider has filed an appeal, the administrator responsible for contracts and grants shall acknowledge in writing that an appeal has been received.

2) The administrator responsible for contracts and grants will review each appeal for adequacy of documentation and



## DEPARTMENT OF CHILDREN FAMILY SERVICES

## NOTICE OF ADOPTED AMENDMENTS

appropriateness of the request. The Lead Regional Administrator shall provide his/her comments and recommendations regarding the appeal within 15 days after of receipt.

- 3)2) The administrator responsible for contracts and grants may request a meeting at a reasonably convenient place with representatives of the provider prior to submission of recommendations to the Director of the Department. The purpose of such meetings shall include:

- A) clarification, formulation, and simplification of issues;
- B) resolution of matters in controversy;
- C) exchange of documents and information;
- D) stipulations of facts so as to avoid unnecessary presentation before the Director of the Department;
- E) identification of all documents which the provider or staff intend to present to the Director; and
- F) such other matters as may aid in the simplification of the evidence and disposition of the issue.

- 4)3) Within 30 days after of receipt by the administrator responsible for contracts and grants, an appeal which has complied with the principles and requirements of this Section section, or within 15 days after of the scheduled meeting between the administrator responsible for contracts and grants and the provider, whichever is later, the administrator responsible for contracts and grants will make a recommendation to the Director or his designee on this matter.

- h) Final Decision of the Director - The decision of the Director of the Department shall constitute final action on the appeal. Decision of the Director shall be made within 60 days after of receipt of the appeal by the administrator responsible for contracts and grants except that, if the administrator responsible for contracts and grants requests additional information, the period shall be extended by the time taken in providing that information.

(Source: Renumbered from Section 356.7 amended at 20 Ill. Reg.  
143.30, effective NOV 6 1996)

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of Part: Construction and Filing of Accident and Health Insurance Policy Forms

- 2) Code Citation: 50 Ill. Adm. Code 2001

- 3) Section Number: Adopted Action:  
 2001.10 Adopted  
 2001.20 Adopted  
 2001.30 Adopted

- 4) Statutory Authority: Implementing Sections 143, 355, 356a and Articles IX and XX and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/143, 355, 356a, 132 et seq., 156 et seq. and 401].

- 5) Effective Date of Amendments: October 25, 1996

- 6) Does this Amendment contain an automatic repeal date? No

- 7) Does this Amendment contain incorporations by reference? No

- 8) Date filed in Agency's Principal Office: October 25, 1996

- 9) Notice of Proposal Published in Illinois Register: April 5, 1996, 20 Ill. Reg. 5284

- 10) Has JCAR issued a Statement of Objections to this Amendment? No

- 11) Difference(s) between proposal and final version:

- a) Section 2001.20(a) change "356a." to "356a-".

- b) Section 2001.20(c)(1) - On the first line add "Accident and Health" following "Industrial".

- c) Section 2001.20(e) - On the third line change "family" to "family".

- d) Section 2001.20(f) - On the sixth line add "Accident and Health" following "Industrial".

- e) Section 2001.20(i) - On the fourth line add "or" following "or".

- f) Section 2001.20(u)(4) - On the sixth line strike the second comma.

- g) Section 2001.20(cc)(2) - On the second line change "one" to "one" and change "individual" to "individuals".

- 12) Have all changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

- 13) Will this Amendment replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of rulemaking: The Department opened this rule up for amendment primarily for updating and housekeeping purposes. We are revising this rule to reflect current statutory requirements and we are cross referencing Part 916 to this rule which will inform companies how to file all policy forms, not just accident and health insurance forms.

- 16) Information and questions regarding this adopted Amendment shall be directed to:

Cindy Colonius  
Department of Insurance  
320 West Washington  
Springfield, IL 62767-0001  
(217) 524-0663

The full text of the Adopted Amendments begins on the next page:

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

TITLE 50: INSURANCE  
CHAPTER I: DEPARTMENT OF INSURANCE  
SUBCHAPTER 2: ACCIDENT AND HEALTH INSURANCE

## PART 2001

## CONSTRUCTION AND FILING OF ACCIDENT AND HEALTH INSURANCE POLICY FORMS

## Section

## 2001.10 Applicability Application

- 2001.20 Rules-for Construction of Accident and Health Insurance Policy Forms
- 2001.30 Rules-for Filing of Policy Forms

**AUTHORITY:** Implementing Sections 143, 355, 356a and Articles IX and XX and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/143, 355, 356a, 132 et seq., 156 et seq. and 401].

**SOURCE:** Filed and effective April 1, 1952; codified at 7 Ill. Reg. 3471; amended at 20 Ill. Reg. **14405**, effective **OCT 25 1996**.

## Section 2001.10 Applicability Application

This Part shall apply to:

- a) Individual and--family--group accident and health policy, certificate, endorsement, rider and application forms filed with this Department by both foreign and domestic companies with respect to Section 143, Article IX and Article XX of the Illinois Insurance Code [215 ILCS 5/143, 132 et seq. and 156 et seq.] approved--June-29-1997--effective 5/143, 132 et seq. and 156 et seq.] approved--June-29-1997--effective July-17-1997--as-amended--June-29-1997--effective-January-17-1992.
- b) This Part shall these--rules-and-regulations--will also apply--where applicable to individual and--family--group policy, certificate, endorsement, rider and application forms which are filed in accordance with Section 356a of the Illinois Insurance Code [215 ILCS 5/356a] effective--January-17-1992.
- c) The filing procedure for accident and health forms as required by Section 355 of the Illinois Insurance Code [215 ILCS 5/355].
- d) The filing procedure for accident and health insurance policy forms prescribed by 50 Ill. Adm. Code 916.

(Source: Amended at 20 Ill. Reg. **14405**, effective **OCT 25 1996**)

## Section 2001.20 Rules-for Construction of Accident and Health Insurance Policy Forms

- a) Section 356a- Form of Policy.
- 1) Each policy sub-section--(2)--the-Department--will--require--each form of a domestic company which is issued for delivery to a person residing in another state, must to be approved by the



## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

Director unless such policy form is shall be subject to approval or disapproval by such other state.

2) Sub-Section (3) is interpreted as follows:

A) The insurer may continue to issue during the period 7-January 17-1952 to January 17-1957, any policy form, rider or endorsement, which could have been lawfully used or delivered or issued for delivery to any person in the state immediately before January 17-1952:

B) Until January 17-1957, the Department will continue to approve any policy form, rider or endorsement which could lawfully be used or delivered or issued for delivery to any person in this State immediately before January 17-1952:

C) After January 17-1957, the Department will approve only those policy forms, riders or endorsements which are drawn to conform with Article XX of the Illinois Insurance Code approved June 29-1937, as amended June 29-1937:

B) All policy forms, riders and endorsements which are not drawn to conform with Article XX of the Illinois Insurance Code, as amended June 29-1937, effective January 17-1952, will become obsolete January 17-1957, and may no longer be lawfully issued or delivered or issued for delivery to any person in this State after that date:

B) Sections 3567-357, 3587-3597, 3637-3657, and 366-of-the Illinois Insurance Code, as in effect prior to the effective date of the June 29-1951 amendment, are hereby incorporated into and made a part of this Part of Rules for Construction of Accident and Health Forms by express reference and will be applicable to all forms filed in accordance with sub-section (3) of Section 356a:

b) Section 357.1a, Accident and Health Policy Provisions Required.

1) In order to expedite departmental action on policies submitted for approval, it is requested that to the maximum extent possible companies adhere to the statutory wording and order of the required provisions. Policies submitted which include variations from the statutory words and order must be accompanied by a complete list of all variations and a justification for each. Extensive variations, without adequate justification, will only result in delay in the processing of such policies. The companies' cooperation in keeping such variations to a minimum is essential for efficiency and economy in department operation.

2) Each provision of Section 357.2 through 357.113 of the Illinois Insurance Code [215 ILCS 5/357.2 through 357.113] sub-sections (1) and (2) must be preceded by a caption and if the captions differ in any respect from the captions appearing in the law such sub-sections changes must be clearly indicated and justified pursuant to subsection 2001.20(b)(1) above as explained under (1) above.

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

3) Numbering of the "Required Provisions" will not be required.

c) Section 359a- Application.

1) Where an Industrial Accident and Health policy is issued upon signed application of the person to be insured, such application shall conform with provisions of Section 359a of the Illinois Insurance Code [215 ILCS 5/359a].

2) The Application:

A) Where changes are made on the application for administrative purposes only, such changes must be clearly indicated.

B) Where the application is subject to being changed for administrative purposes by the insurer, such application shall clearly indicate that any such changes are not to be ascribed to the applicant.

d) Section 361a- Age Limit.

Any policy form containing an "age limit" shall contain in substance a provision setting forth the limitations of Section 361a of the Illinois Insurance Code [215 ILCS 5/361a].

e) Section 362a- Non-Application to Certain Policies.

Clause (3) of this Section 362a(3) of the Illinois Insurance Code [215 ILCS 5/362a(3)] does not apply to family group accident and health insurance provided for under Section 356a7-sub-section (1) of the Illinois Insurance Code [215 ILCS 5/356a(1)(c)].

f) Section 368- Industrial Accident and Health Insurance.

The Department will require Industrial Accident and Health policy forms to be of the same form and content as other accident and health insurance policy forms required to be filed in accordance with pursuant to Section 355 of the Illinois Insurance Code [215 ILCS 5/355], except Industrial Accident and Health Policies shall be issued on a weekly premium basis and contain the words "Industrial Policy" printed on each form.

g) All provisions of the Third Edition of the Official Guide which are consistent not inconsistent with the statute will be required.

h) Accident and Health Insurance:

1) May Accident and Health insurance may only be defined as insurance against bodily injury, disablement or death by accident and against disablement resulting from sickness or old age and every insurance appertaining thereto.

2) Terms such as "external" and "violent" in connection with the definition of accident and health insurance are not acceptable.

i) The information required in Section 356a7-sub-section (1), (a) and (b) of the Illinois Insurance Code [215 ILCS 5/356a(1)(a) and (b)] must appear in the policy form itself or on its flipping-back schedule page and cannot be added to the policy by rider, endorsement, or supplement. Although riders, endorsements and supplements, when attached to the policy form, become a part of the contract, it is evident the law intends that the aforementioned information be made a part of the policy form itself, since this Section specifically refers to the policy and distinguishes between the policy forms, riders and

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

- endorsements.
- j) Funeral benefits will not be permitted in accident and health contracts. This ruling will not apply to contracts issued pursuant to Section 356a, sub-section (3).
- k) There is no general law in the State of Illinois which requires that all hospitals be licensed and many hospitals in this State are not incorporated. The words "licensed" or "incorporated" will not be acceptable in referring to hospitals in accident and health insurance contracts issued in this State. If hospitals are defined in accident and health contract contracts in forms presented for use in this State, then an appropriate definition must be used. A term such as "legally operated hospital" or any other definition which is definite and applicable in this State, will be accepted.
- l) Waiting period provisions in accident and health insurance contracts which stipulate the contract must be maintained in "continuous force" or "in force for \_\_\_\_\_ months after the effective date of the policy" or "in force for \_\_\_\_\_ months prior to the date of the loss," will not be accepted. Such provisions do not adequately and clearly cover reinstatements and therefore, such waiting periods must be based upon the loss occurring \_\_\_\_\_ months after the effective date of the policy and read similar to: No indemnity will be paid for loss which occurs, or commences, prior to \_\_\_\_\_ months after the effective date of the policy.
- m) Additional waiting periods for certain designated diseases or illnesses based upon inception beyond the usual customary 15 to 30 days provided for in the Insuring Provisions are not permissible. If additional waiting periods are deemed necessary by the company for certain diseases and illnesses, then the Department requires we require that such waiting periods be based upon the loss occurring so many months after the effective date of the policy rather than being based on the inception of the illness or disease.
- n) "Strict compliance provisions" in accident and health insurance contracts will not be acceptable for use in this State.
- o) Any specific requirement for medical attendance by a licensed physician other than that attendance which is normally and customarily required for the disease or accident resulting in loss for which claim is made, will not be acceptable.
- p) In accident and health insurance contracts which include "medical attendance benefits" and "surgical benefits" and limits liability to only one, provision must be made for the payment of the greater benefit.
- q) Broad, indefinite, ambiguous and inconsistent language must be excluded from all accident and health insurance forms. Examples of such wording are:
- 1) The use of the words "indirectly" and "partly" in connection with Exclusions, Limitations and Reductions,
  - 2) The use of the word "reasonable" when used in connection with medical attendance or any other condition or requirement included

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

- in the policy form, unless use of such word results in the provision being more favorable to the insured.
- 3) The use of such words as "appendages" "involving", "affecting", etc. in connection with specified physical conditions. Medical terms should be definite, for instance, various types of hernia should be spelled out, or provide a general statement that all types of hernia are meant.
- r) Surgical Benefit Provisions in accident and health insurance contracts must include and provide either:
- 1) That all operations will be covered not to exceed a stipulated amount for any operation that may be performed, or
  - 2) The inclusion of a schedule of operations which includes:
    - A) Comparable benefits for operations of comparable severity;
    - B) A provision which requires the company to pay a benefit for any operation not listed in the schedule, based on an amount equivalent to that specified for a listed operation of comparable severity; and
    - C) A provision which requires the company to pay for that operation which provides the largest benefit when the company's liability is limited to one operation where more than one is performed, under named or enumerated conditions.
- s) Surgical benefit provisions which are contingent upon payment of a hospital confinement benefit will not be approved.
- t) Benefits for hospital room which are based upon the actual expense incurred, may be made contingent only upon a charge being made by the hospital. Benefits payable on a stated or flat rate basis, regardless of the amount of expense incurred, may make the benefit contingent upon hospital confinement of so many hours.
- u) Premium, Cancellation and Renewal Provisions:
- 1) Waiver of Premium Provisions must include a statement of coverage and of the insured's rights and obligations regarding the resumption of premium payments after the period of total disability has terminated during which the premium has been waived. This statement must read similarly to: After the termination of the period of total disability, during which a premium has been waived, the insurance afforded in this contract shall continue in full force and effect until the next premium due date, at which time the insured shall have the right to resume the payment of premiums as provided in the contract.
  - 2) If a premium is to be charged for the period from the expiration of the period of total disability during which a premium has been waived and the expiration date of the policy, then a statement of this fact must be added to the provision together with a provision that the insurer will notify the insured of the premium due.
  - 3) A policy which contains a cancellable provision may add at the end of the above provision in (u)(2) above, "subject to the right of the insurer to cancel in accordance with the cancellation



## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

- provision hereof."
- 4) A policy in which the insurer reserves the right to refuse any renewal premiums, shall add, "unless not less than five days prior to the premium due date the insurer has delivered to the insured or has mailed to his last address as shown by records of the insurer, written notice of its intention not to renew this policy beyond the period for which the premium has been waived."
- 5) Paragraphs--(3)--and--(4)--above--will--not--apply--where--a--contract--contains--the--Grace--Period--Provision--provided--by--Section--357a--of--the--Illinois--Insurance--Code--as--that--provision--incorporates--the--requirements--set--forth--in--the--above--paragraphs--(3)--and--(4).
- 6) Requirements for the so-called "franchise insurance" are different from those for individual contracts in the following respects: Termination either by cancellation or refusal to renew any individual contracts of the group is prohibited, unless all like contracts of the group are terminated at the expiration of the contracts and upon at least ten days' notice in advance. The only other termination conditions which may be included in such contracts are those which terminate coverage because of nonpayment of premium, discontinuance of employment of the insured by the named employer or the discontinuance of membership in the designated organization or association, and in addition, coverage may be automatically terminated at a designated attained age.
- 7) Policy forms, which in the opinion of the Department, will invite misrepresentations in the advertising and sale of the same, due to the restrictive nature of such forms as a result of unusual and/or over-lapping exclusions, limitations, reductions, or conditions, will not be accepted for use in this State.
- 8) Time limitations, when included in benefit provisions, must be explained in terms such as hours, days, weeks, months or years. Terms such as "immediately" or "reasonably" are not acceptable, unless use of such words make the provision more favorable to the insured.
- 9) Policy contracts issued by assessment companies must include a provision setting forth the contingent liability of the insured and should be based upon the regular premium provided in the policy, and in addition thereto, such premium payments as may be required by the company from time to time. This provision should be placed in the contract with equal prominence to the benefit provisions.
- 10) Where a contingent liability provision is included in a contract issued by a mutual company as provided for in Section 55 of the Illinois Insurance Code [215 ILCS 5/55], the contingent liability of the policyholder must be based upon not less than one nor more than ten times the amount of the premium expressed in the continuation paragraph of the policy. This provision should be placed in the contract with equal prominence to the benefit provisions.
- 11) Limited policy contracts will not be approved which, in the opinion of the Director Department, set forth in a more prominent manner the provisions for relatively large benefits for specified accidents of

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

rare occurrence than provisions for relatively low benefits for accidents of more frequent occurrence. Accumulative indemnities benefits are permissible, but schedules showing such benefits will not be approved in accident and health contracts.

## bb) Riders, Endorsements and Exclusions:

- 1) Riders and endorsements which are not complete in themselves must be accompanied by the fill in material to be used therewith, to be acceptable.
- 2) Exclusion of coverage riders and endorsements, executed subsequent to the issuance of the policy, must provide for the signed acceptance of the insured in addition to a statement to the effect that such rider or endorsement is not valid unless signed by the insured. Policy forms which unilaterally reduce benefits must be formally approved by the Director prior to the date they are attached to a policy issued or delivered in this State.
- 3) Riders or endorsements submitted for the purpose of amending forms submitted in accordance with Section 355 of the Illinois Insurance Code [215 ILCS 5/355], so that such forms will comply with the requirements of the Illinois Insurance Code or regulations of this Department, will not be accepted for approval, unless the Director Department is given an adequate justification, in writing, for the use of such riders or endorsements.
- cc) Section 352a-Article XX--when-applied--to--family--group--insurance--contracts--is--interpreted--as--meaning--that--the--person--signing--the--application--for--the--family--group--coverage--is--the--person--insured--in--the--family--group--contract--against--loss--incurred--by--members--of--the--family--which--members--may--include--the--insured--who--are--listed--in--the--application--or--added--subsequently--the--wording--in--the--policy--forms--riders--and--endorsements--must--be--drawn--accordingly.
- cc)dd) Applications:
- 1) Questions in an application pertaining to diseases or conditions must be broken down so that applicants the applicant may insert their his answer at least after every four or five diseases or conditions listed unless questions are grouped as to related diseases or conditions.
- 2) Application forms which are completed drawn-for-completion by individuals one-individual for themselves himself and others cannot include a certification as to the correctness of the answers in the application without some qualifications, preferably in the Attestation Provision, and should read similar to "to the best of your knowledge", or "to the best of your knowledge and belief". The courts have held that answers to the questions are given to the best of the applicant's belief, and the Department sees we--see no reason why the aforementioned qualification should not be contained in the application.
- 3) The receipt and/or application or policy provisions may provide

## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

that the insurance shall be effective upon issuance and the payment of the first premium while the insured is in good health. Provisions which provide the insurance shall not become effective until delivery of the policy while the insured is in good health, will not be acceptable.

ddcc) Where the application provides for a written proxy, such proxy must be executed over the separate signature of the applicant. The signature required for the application in accordance with Section 359a of the Illinois Insurance Code [215 ILCS 5/359a] may not be used to satisfy the foregoing rule this requirement.

eeff) Advertising appearing on an application form, or any other form that requires the approval of this Department--is passed upon by this Department in conjunction with the form--itself the Director, is reviewed and filed by the Director in conjunction with the approval of the form. This is in conformity with Section 143 of the Illinois Insurance Code [215 ILCS 5/143].

(b)(7)(F) The Director this Department requires that any form, previously approved and subsequently revised, must be submitted under a new form number, and be approved in accordance with Section 143 of the Illinois Insurance Code (Supra). This applies to advertising appearing on applications or other forms approved by the Director ~~this division~~. The only exception to this is advertising which contains statistical information, such as the amount of claims paid or assets. For changes of this kind, the insurer need not submit a new form number, but only advise the Department in writing as to the change in the statistical information and the date of change. Advertising is not subject to approval but is filed for ~~reference~~ informational purposes only. See 50 Ill. Adm. Code 916 for appropriate transmittal sheets and instructions.

(Source: Amended at 20 Ill. Reg. 14405, effective  
OCT 25 1996)

## Section 2001.30 Rules-for Filing of Policy Forms

- a) Policy forms, riders and endorsements drawn to conform with Article XX of the Illinois Insurance Code, as amended prior to and as of January 1, 1957, must be formally filed pursuant to 50 Ill. Adm. Code 916 as follows:
- 1) Two copies of all such forms shall be submitted in blank. If the form does not clearly indicate the place for the name of the insured, the insurance becomes effective, and the benefits, it will be required that such forms be completed at the time of issuance as for issuance.
  - 2) The application to be used in connection with the policy rider or endorsement must be made a part of the filing. In addition, the approval date must be given for application forms previously submitted and approved by this Department.



## DEPARTMENT OF INSURANCE

## NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 20 Ill. Reg. 14405, effective  
OCT 25 1996)

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Consignment of Licenses, Stamps and Permits
- 2) Code Citation: 17 Ill. Adm. Code 2520
- 3) Section Numbers: Adopted Action:  
2520.10 Amendment  
2520.30 Amendment
- 4) Statutory Authority: Implementing and authorized by Sections 1.4, 3.1, 3.2, 3.37, and 3.39 of the Wildlife Code [520 ILCS 5/1.4, 3.1, 3.2, 3.37, 3.38 and 3.39] and Sections 1-125, 20-5, 20-10, 20-30, 20-45, 20-55 and 20-120 of the Fish and Aquatic Life Code [515 ILCS 5/1-125, 20-5, 20-10, 20-30, 20-45, 20-55 and 20-120].
- 5) Effective Date of Rulemaking: October 25, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: October 25, 1996
- 9) Notice of Proposal Published in Illinois Register: August 9, 1996, 20 Ill. Reg. 10533
- 10) Has JCAR issued a Statement of Objections to these rules? No
- 11) Difference(s) between proposal and final version:  
In Section 2520.10(b), "the Part" was changed to "this Part".  
In Section 2520.10(c), last paragraph, "the" was removed prior to "financial evidence".  
In Section 2520.30(d), "the" was removed prior to "financial evidence".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: These amendments set the qualifications for a vendor to receive a preferred status. A preferred status allows the vendor to have licenses, stamps and permits consigned up to 50% over the amount of the financial evidence. All vendors with a preferred status will be reviewed annually. Delinquent accounts will be

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

referred to the security company and the balance over the financial evidence will be referred to other agencies for assistance in collection.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price  
Department of Natural Resources  
524 S. Second Street, Room 430  
Springfield, IL 62701-1787  
217/782-1809

The full text of the Adopted Amendment begins on the next page:

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION  
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES  
SUBCHAPTER f: ADMINISTRATIVE SERVICES

## PART 2520

## CONSIGNMENT OF LICENSES, STAMPS AND PERMITS

## Section

2520.10 Consignment Requirements  
2520.20 Issuing Licenses, Stamps and Permits  
2520.30 Terms  
2520.40 Credit to Vendor Accounts  
2520.50 Issuance of Replacement Hunting, Fishing and Trapping Licenses, Stamps and Permits

AUTHORITY: Implementing and authorized by Sections 1.4, 3.1, 3.2, 3.37, 3.38 and 3.39 of the Wildlife Code [520 ILCS 5/1.4, 3.1, 3.2, 3.37, 3.38 and 3.39] and Sections 1-125, 20-5, 20-10, 20-30, 20-45, 20-55 and 20-120 of the Fish and Aquatic Life Code [515 ILCS 5/1-125, 20-5, 20-10, 20-30, 20-45, 20-55 and 20-120].

SOURCE: Adopted and codified at 7 Ill. Reg. 8760, effective July 15, 1983; amended at 8 Ill. Reg. 5660, effective April 16, 1984; amended at 9 Ill. Reg. 14626, effective September 17, 1985; amended at 11 Ill. Reg. 4633, effective March 10, 1987; amended at 15 Ill. Reg. 7653, effective May 7, 1991; amended at 16 Ill. Reg. 8479, effective May 26, 1992; amended at 18 Ill. Reg. 9991, effective June 21, 1994; amended at 19 Ill. Reg. 7541, effective May 26, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 20 Ill. Reg. 14417, effective OCT 25 1996.

## Section 2520.10 Consignment Requirements

- a) The Department of Natural Resources (DNR) has the authority to designate agents to sell licenses, stamps and permits on behalf of the Department. DNR consigns hunting, fishing, trapping and Ginseng Harvester licenses, migratory waterfowl, salmon and wildlife conservation stamps, and deer archery combination permits, hereinafter referred to as licenses, stamps and permits, for sale by county, city, village, township and incorporated town clerks, upon receipt of their completed application and elected official license vendor contract, and fulfillment of requirements set forth in this part. The Department also consigns the licenses, stamps and permits to other persons, hereinafter referred to as "direct agents", upon receipt of their completed application, license vendor contract, evidence of financial responsibility, and fulfillment of the requirements set forth in this Part. The term "direct agent" means all persons authorized by the Department to sell licenses, stamps and permits



## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

other than elected or appointed officials and department employees. License vendors, including employees of the Department selling licenses, stamps and permits, shall collect an issuing fee in addition to the license, stamp and permit fee as provided in 515 ILCS 5/20-120 and 520 ILCS 5/3.37 as follows: 75 cents for each Sportsmen's Combination license and non-resident hunting license, and 50 cents for all other licenses, stamps and permits authorized by the above statutes. All licenses, stamps and permits consigned and fees collected from the sale of licenses, stamps and permits (except the authorized issuing fee) remain the property of the State of Illinois. Funds received from the sale of licenses, stamps and permits (except the authorized issuing fee) shall not be directed to any purpose other than remittance to the Department.

b) County, city, village, township and incorporated town clerks may appoint sub-agents within the territorial area for which they are elected or appointed. Elected or appointed officials and Department employees selling licenses, stamps and permits are liable to the State for all licenses, stamps and permits consigned to their account, including any licenses, stamps and permits furnished by a clerk to any sub-agent. Any clerk appointing sub-agents must notify the Department, within 10 days following the appointment, the names and mailing addresses of such sub-agents. No part of the issuing fees collected may be retained as personal compensation by the clerk. Issuing fees may be divided between the clerk and appointed sub-agents other than employees of the Clerk's office, but in no case may any clerk and/or sub-agent charge an issuing fee or fees totaling more than the amounts set out in Section 2520.10 of this Part. DNR assumes no liability for any license, stamp or permit furnished by any elected or appointed clerk to any sub-agent.

c) All direct agents, including concessionaires holding contracts with the Department shall be required to furnish DNR with evidence of financial responsibility. Such evidence shall be in the form of a surety bond, irrevocable letter of credit or certificate of deposit, in an amount equal to the value of licenses, stamps and permits consigned, with the exception of direct agents with a preferred status. Direct agents must meet the following qualifications to receive a preferred status:

- 1) The direct agent must sell licenses, stamps and permits for one complete license year.
- 2) If the direct agent has sold licenses, stamps and permits with a value of \$16,000.00 or more during the previous license year, the Department must have received 20 or more remittances or no sales reports. If the direct agent has sold licenses, stamps and permits with a value of \$15,999.99 or less during the previous license year, the Department must have received 10 or more remittances or no sales reports during the previous license year. If these qualifications are met the direct agent's consignments may total 50% over the amount of their financial evidence. All direct

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

agents with a preferred status will be reviewed annually. If qualifications have been met, the preferred status will continue for the following license year. If the qualifications have not been met, the preferred status is removed and the direct agent will be consigned licenses, stamps and permits equal to the amount of financial evidence. Surety bonds and letters of credit shall be on a form furnished by and approved by DNR, with surety or sureties satisfactory to DNR, conditioned upon such agents paying to the State of Illinois all monies becoming due by reason of the sale of licenses, stamps and permits. No direct agent may appoint sub agents.

(Source: Amended at 20 Ill. Reg. 14417, effective

OCT 25 1996)

## Section 2520.30 Terms

- a) When funds received in payment for licenses, stamps and permits are deposited in an interest bearing account and where fees collected by a vendor are determined to be late to the department according to the remittance schedule in Section 2520.30(c), interest that has accrued through an interest bearing license account on the overdue funds will be remitted to the Department by separate check along with fees collected from the sale of such licenses, stamps and permits.
- b) All license vendors shall be required to remit to the Department, according to the schedule in subsection (c) below, all funds received from the sale of licenses, stamps and permits during the preceding remittance period except the authorized issuing fee. Vendors having licenses, stamps and permits on hand for sale, but who have sold none during the remittance period, shall report this fact to the Department according to the remittance schedule by the use of a "no sales" report, furnished by the Department.
- c) The remittance schedules are as follows:
  - 1) Schedule I: For vendors having sold licenses, stamps and permits with a value of \$16,000 or more during a prior license year, remittance periods shall be from the 1st through the 15th of each month and the 16th through the last day of each month. Remittance shall be made to the Department no later than the 5th and 20th of each month, for all licenses, stamps and permits sold during the previous remittance period.
  - 2) Schedule II: For vendors having sold licenses, stamps and permits of a value of \$15,999.99 or less during the previous license year, the remittance period shall be each month. Remittance shall be made to the Department no later than the 10th of each month for all licenses, stamps and permits sold during the previous month.
  - d) Accounts more than one remittance period past due shall have additional license consignments withheld until the account is current. Accounts two remittance periods or more past due will cause the

## DEPARTMENT OF NATURAL RESOURCES

## NOTICE OF ADOPTED AMENDMENTS

Department to cancel or withdraw the issuance of licenses through such clerks or agents. In the case of secured agents, payment will be demanded from the security company. In the case of secured agents with a preferred status, payment up to the amount of financial evidence will be demanded from the security company and the balance over the financial evidence will be referred to other agencies for assistance. No installment payment agreements will be accepted by DNR except pursuant to judgment decrees.

- e) Within 30 days after the expiration of the time in which any class of license, stamp or permit is usable, the final payment for licenses, stamps and permits sold shall be made in full to the Department, and all unsold or void licenses, stamps and permits shall be returned to the Department. Accounts not closed out within the 30 days specified shall be suspended or terminated, and referred to the security company for action or referral to other agencies for assistance.

(Source: Amended at 20 Ill. Reg. 14417, effective OCI 25 1996)

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Operation and Record Keeping
- 2) Code Citation: 35 Ill. Adm. Code 607
- 3) Section Numbers: Adopted Action:  
607.104 Amended
- 4) Statutory Authority: 415 ILCS 5/17, 17.5 and 27.
- 5) Effective Date of Amendments: October 22, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) Date filed in Board's principal office: Order adopted September 5, 1996 and supplemental opinion and order adopted October 17, 1996.
- 9) Notice of proposal published in Illinois Register: May 3, 1996, 20 Ill. Reg. 6121
- 10) Has JCAR issued a Statement of Objections to these rules? No. Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] provides that Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.
- 11) Differences between proposal and final version: No changes.
- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR? Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.
- 13) Will these amendments replace emergency amendments currently in effect?  
No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and purpose of amendments: A more detailed description is contained in the Board's opinion of September 5, 1996 and supplemental opinion and order of October 17, 1996 in R95-17, which Opinion is available from the address below. Section 17.5 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of



POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

the APA, it is not subject to first notice or to second notice review by JCAR.

The R95-17 proceeding updates the Board's SDWA rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period January 1 through June 30, 1995. During this period, USEPA undertook the following actions with regard to the federal rules:

- 60 Fed. Reg. 33658 (June 28, 1995) (Revisions to State Primacy Provisions)
- 60 Fed. Reg. 33926 (June 29, 1995) (Deletion of Obsolete, Redundant, and Out-Dated Rules)
- 60 Fed. Reg. 34084 (June 29, 1995) (Analytical Methods Technical Corrections)

The amendments to the state primacy provisions, adopted by USEPA on June 28, 1995, amended the provisions for withdrawal of federal authorization of a state's SDWA program. None of the USEPA amendments affected the actual state program requirements, so no Board action was necessary beyond noting the federal action. The deletion of obsolete, redundant, and out-dated rules on June 29, 1995 included revisions to elements of the federal rules that have counterparts in the Illinois regulations. Amendments resulted to the Illinois rules from those federal amendments. The analytical methods amendments of June 29, 1995 corrected minor errors in the analytical methods amendments of December 5, 1994 (59 Fed. Reg. 1994), adopted by the Board in consolidated docket R94-24/R95-3 on June 15, 1995, and in the July 17, 1992 (57 Fed. Reg. 31776) federal Phase V rules, adopted by the Board in docket R93-1 on July 13, 1993. The June 29, 1993 analytical methods corrections were the major source of the Board actions involved in this proceeding.

Board action was further required by a comment filed March 1, 1996 by the Illinois Environmental Protection Agency (IEPA). That comment highlighted various errors and inconsistencies in the text of all of the Subtitle F regulations (including the groundwater protection and groundwater quality rules). The Agency requested numerous corrections to the text of the rules. Further discussion of this request and a detailed outline of the corrections appear below on pages 5 through 13 of this discussion. Specifically, the amendments to Part 607 derive from corrections suggested in the comments by IEPA.

16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge  
Attorney  
Illinois Pollution Control Board

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

100 W. Randolph 11-500  
Chicago, IL 60601  
312-814-6924

Request copies of the Board's opinion and order of September 5, 1996 and supplemental opinion and order of October 17, 1995 from Victoria Agyeman, at 312-814-3620.

The full text of the adopted amendments begins on the next page:

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION  
 SUBTITLE F: PUBLIC WATER SUPPLIES  
 CHAPTER I: POLLUTION CONTROL BOARD

## PART 607

## OPERATION AND RECORD KEEPING

## Section

- 607.101 Protection During Repair Work (Repealed)
- 607.102 Disinfection Following Repair or Reconstruction (Repealed)
- 607.103 Emergency Operation
- 607.104 Cross Connections
- 607.105 Laboratory Testing Equipment (Repealed)
- 607.106 Record Maintenance (Repealed)

## APPENDIX A References to Former Rules (Repealed)

AUTHORITY: Implementing Section 17 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/17 and 27].

SOURCE: Filed with Secretary of State January 1, 1978; amended and codified at 6 Ill. Reg. 11497, effective September 14, 1982; amended in R88-26 at 14 Ill. Reg. 16312, effective September 20, 1990; amended in R95-17 at 20 Ill. Reg. 14423, effective OCT 22 1996.

## Section 607.104 Cross Connections

- a) No physical connection shall be permitted between the potable portion of a supply and any other water supply not of equal or better bacteriological and chemical quality as determined by inspection and analysis by the Agency, except as provided for in subsection (d).
- b) There shall be no arrangement or connection by which an unsafe substance may enter a supply.
- c) Control of all cross-connections to a supply is the responsibility of the owner or official custodian of the supply. If a privately owned water supply source meets the applicable criteria, it may be connected to a water supply upon approval by the owner or official custodian and by the Agency. Where such connections are permitted, it is the responsibility of the public water supply officials to assure submission from such privately owned water supply source or sources samples and operating reports, as required by 35 Ill. Adm. Code 611.605-and-606 as applicable to the cross-connected source.
- d) The Agency may adopt specific conditions for control of unsafe cross-connections, which shall be complied with by the supplies of this State, as applicable. These conditions shall be adopted and/or changed by the Agency as prescribed in 35 Ill. Adm. Code 602.115.
- e) Each community water supply exempted pursuant to 35 Ill. Adm. Code 603.103 or 604.402 shall provide an active program approved by the Agency to continually educate and inform water supply consumers

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

regarding prevention of the entry or contaminants into the distribution system. Conditions under which the Agency will approve this active program shall be adopted or changed by the Agency as prescribed in 35 Ill. Adm. Code 602.115.

(Source: Amended at 20 Ill. Reg. 14423, effective OCT 22 1996.)



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Organic Material Emission Standards and Limitations for the Chicago Area

- 2) Code Citation: 35 Ill. Adm. Code 218

<u>Section Numbers:</u>	<u>Adopted Action:</u>
218.110	Amended
218.111	Amended
218.208	Amended
218.211	Amended
218.431	Amended
218.435	Amended
218.720	Repealed
218.722	Repealed
218.726	Repealed
218.727	Repealed
218.728	Repealed
218.729	Repealed
218.730	Repealed
218.980	Amended
218.Appendix G	Amended

- 4) Statutory Authority: 415 ILCS 5/28.5

- 5) Effective Date of Rulemaking: October 17, 1996

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this rulemaking contain incorporations by reference? No

- 8) Date Filed in Agency's Principal Office: December 13, 1995

- 9) Notice of Proposal Published in Illinois Register: 20 Ill. Reg. 122, January 5, 1996

- 10) Has JCAR issued a Statement of Objections to these rules? No

- 11) Difference(s) between proposal and final version: The following changes should be made from the proposal which was published at 20 Ill. Reg. 122 on January 5, 1996:

1. In the Table of Contents, changed "Solvents" to "Solvent" in Section 218.110 so that the Table of Contents and Section match.
2. In the Table of Contents, changed "from" to "From" in Section 218.208.
3. In Section 218.208(d)(4), changed "subsection" to "subsections".

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

4. In Subpart Q title, deleted "Leaks From" to match title in Table of Contents.

5. In subsection (b) of Appendix G, realigned columns to match file pages.

6. In the Source Note, changed "R91-23" reference to "R91-24".

7. Also in Source Note, deleted "at" after "in R94-12".

8. In Section 218.208(b)(1)(A), deleted semicolon.

9. In Section 218.431(b)(5), struck period and added "; or".

10. In Section 218.435(c)(2), struck "Section" and added "Subsection".

11. In Section 218.431(b)(4), struck "or".

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes. The Board made all changes as verbally agreed upon; no letter of agreement was issued in this matter.

- 13) Will this rulemaking replace an emergency rule currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Rulemaking: A complete description of this Section 28.5 fastrack rulemaking is included in the Board's October 17, 1996 opinion and order in docket R96-13, which is available from the address below. Specifically, this rulemaking adopts amendments to 35 Ill. Adm. Code 218 pursuant to the Rate of Progress Plan submitted to the USEPA on November 15, 1993. The amendments to Subpart A, General Provisions, correct the vapor pressure equations; the amendments to Subpart F, Coating Operations clarify the recordkeeping and reporting requirements; the amendments to Subpart Q, Synthetic Organic Chemical and Polymer Manufacturing Plan, corrects a publication date for a Federal Register reference and corrects minor typographical errors; the amendments in Subpart FF reflect the repeal of baker oven rules by the Illinois General Assembly; the amendment in Subpart TT corrects the exemption for polyethylene foam packaging operations from the applicable control requirements; and the amendment in Appendix G corrects a typographical error.

- 16) Information and questions regarding these adopted amendments shall be directed to:

K.C. Poulos





## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

218.142 Pumps and Compressors  
 218.143 Vapor Blowdown  
 218.144 Safety Relief Valves

## SUBPART E: SOLVENT CLEANING

Section  
 218.181 Solvent Cleaning in General  
 218.182 Cold Cleaning  
 218.183 Open Top Vapor Degreasing  
 218.184 Conveyorized Degreasing  
 218.185 Compliance Schedule (Repealed)  
 218.186 Test Methods

## SUBPART F: COATING OPERATIONS

Section  
 218.204 Emission Limitations  
 218.205 Daily-Weighted Average Limitations  
 218.206 Solids Basis Calculation  
 218.207 Alternative Emission Limitations  
 218.208 Exemptions from Emission Limitations  
 218.209 Exemption from General Rule on Use of Organic Material  
 218.210 Compliance Schedule  
 218.211 Recordkeeping and Reporting  
 218.212 Cross-Line Averaging to Establish Compliance for Coating Lines  
 218.213 Recordkeeping and Reporting for Cross-Line Averaging Participating Coating Lines  
 218.214 Changing Compliance Methods

## SUBPART G: USE OF ORGANIC MATERIAL

Section  
 218.301 Use of Organic Material  
 218.302 Alternative Standard  
 218.303 Fuel Combustion Emission Units  
 218.304 Operations with Compliance Program

## SUBPART H: PRINTING AND PUBLISHING

Section  
 218.401 Flexographic and Rotogravure Printing  
 218.402 Applicability  
 218.403 Compliance Schedule  
 218.404 Recordkeeping and Reporting  
 218.405 Lithographic Printing: Applicability  
 218.406 Provisions Applying to Heatset Web Offset Lithographic Printing Prior to March 15, 1996

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

218.407 Emission Limitations and Control Requirements for Lithographic Printing Lines On and After March 15, 1996  
 218.408 Compliance Schedule for Lithographic Printing on and After March 15, 1996  
 218.409 Testing for Lithographic Printing On and After March 15, 1996  
 218.410 Monitoring Requirements for Lithographic Printing  
 218.411 Recordkeeping and Reporting for Lithographic Printing

## SUBPART Q: SYNTHETIC ORGANIC CHEMICAL AND POLYMER MANUFACTURING PLANT

Section  
 218.421 General Requirements  
 218.422 Inspection Program Plan for Leaks  
 218.423 Inspection Program for Leaks  
 218.424 Repairing Leaks  
 218.425 Recordkeeping for Leaks  
 218.426 Report for Leaks  
 218.427 Alternative Program for Leaks  
 218.428 Open-Ended Valves  
 218.429 Standards for Control Devices  
 218.430 Compliance Date (Repealed)  
 218.431 Applicability  
 218.432 Control Requirements  
 218.433 Performance and Testing Requirements  
 218.434 Monitoring Requirements  
 218.435 Recordkeeping and Reporting Requirements  
 218.436 Compliance Date

## SUBPART R: PETROLEUM REFINING AND RELATED INDUSTRIES; ASPHALT MATERIALS

Section  
 218.441 Petroleum Refinery Waste Gas Disposal  
 218.442 Vacuum Producing Systems  
 218.443 Wastewater (Oil/Water) Separator  
 218.444 Process Unit Turnarounds  
 218.445 Leaks: General Requirements  
 218.446 Monitoring Program Plan for Leaks  
 218.447 Monitoring Program for Leaks  
 218.448 Recordkeeping for Leaks  
 218.449 Reporting for Leaks  
 218.450 Alternative Program for Leaks  
 218.451 Sealing Device Requirements  
 218.452 Compliance Schedule for Leaks  
 218.453 Compliance Dates (Repealed)

## SUBPART S: RUBBER AND MISCELLANEOUS PLASTIC PRODUCTS

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

Section 218.461 218.462 218.463 218.464 218.465 218.466	Manufacture of Pneumatic Rubber Tires Green Tire Spraying Operations Alternative Emission Reduction Systems Emission Testing Compliance Dates (Repealed) Compliance Plan (Repealed)
SUBPART T: PHARMACEUTICAL MANUFACTURING	
Section 218.480 218.481 218.482 218.483 218.484 218.485 218.486 218.487 218.488 218.489	Applicability Control of Reactors, Distillation Units, Crystallizers, Centrifuges and Vacuum Dryers Control of Air Dryers, Production Equipment Exhaust Systems and Filters Material Storage and Transfer In-Process Tanks Leaks Other Emissions Units Testing Monitoring for Air Pollution Control Equipment Recordkeeping for Air Pollution Control Equipment

## SUBPART V: BATCH OPERATIONS AND AIR OXIDATION PROCESSES

Section 218.500 218.501 218.502 218.503 218.504 218.505 218.506 218.520 218.521 218.522 218.523 218.524 218.525 218.526 218.527	Applicability for Batch Operations Control Requirements for Batch Operations Determination of Uncontrolled Total Annual Mass Emissions and Average Flow Rate Values for Batch Operations Performance and Testing Requirements for Batch Operations Monitoring Requirements for Batch Operations Reporting and Recordkeeping for Batch Operations Compliance Date Emission Limitations for Air Oxidation Processes Definitions (Repealed) Savings Clause Compliance Determination of Applicability Emission Limitations for Air Oxidation Processes Testing and Monitoring Compliance Date (Repealed)
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## SUBPART W: AGRICULTURE

Section 218.541	Pesticide Exception
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## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

Section 218.561 218.562 218.563	Architectural Coatings Paving Operations Cutback Asphalt
SUBPART X: CONSTRUCTION	
SUBPART Y: GASOLINE DISTRIBUTION	
Section 218.581 218.582 218.583 218.584 218.585 218.586	Bulk Gasoline Plants Bulk Gasoline Terminals Gasoline Dispensing Operations - Storage Tank Filling Operations Gasoline Delivery Vessels Gasoline Volatility Standards Gasoline Dispensing Operations - Motor Vehicle Fueling Operations

## SUBPART Z: DRY CLEANERS

Section 218.601 218.602 218.603 218.604 218.605 218.606 218.607 218.608 218.609 218.610 218.611 218.612 218.613	Perchloroethylene Dry Cleaners Applicability Leaks Compliance Dates (Repealed) Compliance Plan (Repealed) Exception to Compliance Plan (Repealed) Standards for Petroleum Solvent Dry Cleaners Operating Practices for Petroleum Solvent Dry Cleaners Program for Inspection and Repair of Leaks Testing and Monitoring Applicability for Petroleum Solvent Dry Cleaners Compliance Dates (Repealed) Compliance Plan (Repealed)
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## SUBPART AA: PAINT AND INK MANUFACTURING

Section 218.620 218.621 218.623 218.624 218.625 218.626 218.628 218.630 218.636 218.637	Applicability Exemption for Waterbase Material and Heatset Offset Ink Permit Conditions (Repealed) Open-Top Mills, Tanks, Vats or Vessels Grinding Mills Storage Tanks Leaks Clean Up Compliance Schedule Recordkeeping and Reporting
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## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## SUBPART BB: POLYSTYRENE PLANTS

Section	
218.640	Applicability
218.642	Emissions Limitation at Polystyrene Plants
218.644	Emissions Testing

## SUBPART CC: POLYESTER RESIN PRODUCT MANUFACTURING PROCESS

Section	
218.660	Applicability
218.666	Control Requirements
218.667	Compliance Schedule
218.668	Testing
218.670	Recordkeeping and Reporting for Exempt Emission Units
218.672	Recordkeeping and Reporting for Subject Emission Units

## SUBPART DD: AEROSOL CAN FILLING

Section	
218.680	Applicability
218.686	Control Requirements
218.688	Testing
218.690	Recordkeeping and Reporting for Exempt Emission Units
218.692	Recordkeeping and Reporting for Subject Emission Units

SUBPART FF: BAKERY OVENS (Repealed)

Section	
218.720	Applicability <u>(Repealed)</u>
218.722	Control Requirements <u>(Repealed)</u>
218.726	Testing <u>(Repealed)</u>
218.727	Monitoring <u>(Repealed)</u>
218.728	Recordkeeping and Reporting <u>(Repealed)</u>
218.729	Compliance Date <u>(Repealed)</u>
218.730	Certification <u>(Repealed)</u>

## SUBPART GG: MARINE TERMINALS

Section	
218.760	Applicability
218.762	Control Requirements
218.764	Compliance Certification
218.766	Leaks
218.768	Testing and Monitoring
218.770	Recordkeeping and Reporting

## SUBPART HH: MOTOR VEHICLE REFINISHING

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

Section	
218.780	Emission Limitations
218.782	Alternative Control Requirements
218.784	Equipment Specifications
218.786	Surface Preparation Materials
218.787	Work Practices
218.788	Testing

218.789	Monitoring and Recordkeeping for Control Devices
218.790	General Recordkeeping and Reporting
218.791	Compliance Date
218.792	Registration
218.795	Applicability of Subpart BB (Renumbered)
218.877	Emissions Limitation at Polystyrene Plants (Renumbered)
218.879	Compliance Date (Repealed)
218.881	Compliance Plan (Repealed)
218.883	Special Requirements for Compliance Plan (Repealed)
218.886	Emissions Testing (Renumbered)

## SUBPART PP: MISCELLANEOUS FABRICATED PRODUCT MANUFACTURING PROCESSES

Section	
218.920	Applicability
218.923	Permit Conditions (Repealed)
218.926	Control Requirements
218.927	Compliance Schedule
218.928	Testing

## SUBPART QQ: MISCELLANEOUS FORMULATION MANUFACTURING PROCESSES

Section	
218.940	Applicability
218.943	Permit Conditions (Repealed)
218.946	Control Requirements
218.947	Compliance Schedule
218.948	Testing

## SUBPART RR: MISCELLANEOUS ORGANIC CHEMICAL MANUFACTURING PROCESSES

Section	
218.960	Applicability
218.963	Permit Conditions (Repealed)
218.966	Control Requirements
218.967	Compliance Schedule
218.968	Testing

## SUBPART TT: OTHER EMISSION UNITS

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

218.980 Applicability  
 218.983 Permit Conditions (Repealed)  
 218.986 Control Requirements  
 218.987 Compliance Schedule  
 218.988 Testing

## SUBPART UU: RECORDKEEPING AND REPORTING

Section  
 218.990 Exempt Emission Units  
 218.991 Subject Emission Units

APPENDIX A List of Chemicals Defining Synthetic Organic Chemical and Polymer Manufacturing  
 APPENDIX B VOM Measurement Techniques for Capture Efficiency  
 APPENDIX C Reference Methods and Procedures  
 APPENDIX D Coefficients for the Total Resource Effectiveness Index (TRE) Equation  
 APPENDIX E List of Affected Marine Terminals  
 APPENDIX G TRE Index Measurements for SOCM I Reactors and Distillation Units  
 APPENDIX H Baseline VOM Content Limitations for Subpart F, Section 218.212 Cross-Line Averaging

AUTHORITY: Implementing Section 10 and authorized by Section 28.5 of the Environmental Protection Act [415 ILCS 5/10 and 28.5].

SOURCE: Adopted in R91-7 at 15 Ill. Reg. 12231, effective August 16, 1991; amended in R91-24 at 16 Ill. Reg. 13564, effective August 24, 1992; amended in R91-28 and R91-30 at 16 Ill. Reg. 13864, effective August 24, 1992; amended in R93-9 at 17 Ill. Reg. 16636, effective September 27, 1993; amended in R93-14 at 18 Ill. Reg. 1945, effective January 24, 1994; amended in R94-12 at 18 Ill. Reg. 14973, effective September 21, 1994; amended in R94-15 at 18 Ill. Reg. 16392, effective October 25, 1994; amended in R94-16 at 18 Ill. Reg. 16950, effective November 15, 1994; amended in R94-21, R94-31 and R94-32 at 19 Ill. Reg. 6848, effective May 9, 1995; amended in R94-33 at 19 Ill. Reg. 7359, effective May 22, 1995; amended in R96-13 at 20 Ill. Reg. 14428, effective OCT 17 1996.

BOARD NOTE: This Part implements the Illinois Environmental Protection Act as of July 1, 1994.

NOTE: In this Part, superscript numbers or letters are denoted by parentheses, subscript are denoted by brackets, and SUM means the summation series or sigma function as used in mathematics.

SUBPART A: GENERAL PROVISIONS

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## Section 218.110 Vapor Pressure of Organic Material or Solvent

a) If the organic material or solvent consists of only a single compound, the vapor pressure shall be determined by ASTM Method D2879-86 (incorporated by reference in Section 218.112 of this Part) or the vapor pressure may be obtained from a publication such as: Boublík, T., V. Fried and E. Hala, "The Vapor Pressure of Pure Substances," Elsevier Scientific Publishing Co., New York (1973); Perry's Chemical Engineer's Handbook, McGraw-Hill Book Company (1984); CRC Handbook of Chemistry and Physics, Chemical Rubber Publishing Company (1986-87); and Lange's Handbook of Chemistry, John A. Dean, editor, McGraw-Hill Book Company (1985).

b) If the organic material or solvent is in a mixture made up of both organic material compounds and compounds which are not organic material, the vapor pressure shall be determined by the following equation:

$$P_{\text{vom}} P[\text{om}] = \frac{\sum_{i=1}^n P[i]X[i]}{\sum_{i=1}^n X[i]}$$

where:

$P[\text{om}]$  = Total vapor pressure of the portion of the mixture which is composed of organic material;

$n$  = Number of organic material components in the mixture;

$i$  = Subscript denoting an individual component;

$P[i]$  = Vapor pressure of an organic material component determined in accordance with subsection (a) of this Section;

$X[i]$  = Mole fraction of the organic material component of the total organic mixture

c) If the organic material or solvent is in a mixture made up of only organic material compounds, the vapor pressure shall be determined by ASTM Method D2879-86 (incorporated by reference in Section 218.112 of this Part) or by the above equation.

(Source: Amended at 20 Ill. Reg. OCT 17 1996 effective 14428)

Section 218.111 Vapor Pressure of Volatile Organic Material



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- a) If the VOM consists of only a single compound, the vapor pressure shall be determined by ASTM Method D2879-86 (incorporated by reference in Section 218.112 of this Part) or the vapor pressure may be obtained from a publication such as: Boublik, T., V. Fried and E. Hala, "The Vapor Pressure of Pure Substances," Elsevier Scientific Publishing Co., New York (1973); Perry's Chemical Engineer's Handbook, McGraw-Hill Book Company (1984); CRC Handbook of Chemistry and Physics, Chemical Rubber Publishing Company (1986-87); and Lange's Handbook of Chemistry, John A. Dean, editor, McGraw-Hill Book Company (1985).
- b) If the VOM is in a mixture made up of both VOM compounds and compounds which are not VOM, the vapor pressure shall be determined by the following equation:

$$P[\text{vom}] = \frac{\sum_{i=1}^n P[i]X[i]}{\sum_{i=1}^n X[i]}$$

where:

$P[\text{vom}]$  = Total vapor pressure of the portion of the mixture which is composed of VOM

$n$  = Number of VOM components in the mixture;

$i$  = Subscript denoting an individual component;

$P[i]$  = Vapor pressure of a VOM component determined in accordance with subsection (a) of this Section;

$X[i]$  = Mole fraction of the VOM component of the total organic mixture

- c) If the VOM is in a mixture made up of only VOM compounds, the vapor pressure shall be determined by ASTM Method D2879-86 (incorporated by reference in Section 218.112 of this Part) or by the above equation.

(Source: Amended at 20 Ill. Reg. 001 17 1996 effective 14428)

SUBPART F: COATING OPERATIONS

### Section 218.208 Exemptions from Emission Limitations

- a) Exemptions for all coating categories except wood furniture coating. The limitations of this Subpart shall not apply to coating lines

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

within a source, that otherwise would be subject to the same subsection of Section 218.204 (because they belong to the same coating category, e.g., can coating), provided that combined actual emissions of VOM from all lines at the source subject to that subsection never exceed 6.8 kg/day [15 lbs/day] before the application of capture systems and control devices. (For example, can coating lines within a source would not be subject to the limitations of Section 218.204(b) of this Subpart if the combined actual emissions of VOM from the can coating lines never exceed 6.8 kg/day [15 lbs/day] before the application of capture systems and control devices.) Volatile organic material emissions from heavy off-highway vehicle products coating lines must be combined with VOM emissions from miscellaneous metal parts and products coating lines to determine applicability. Any owner or operator of a coating source shall comply with the applicable coating analysis test methods and procedures specified in Section 218.105(a) of this Part and the recordkeeping and reporting requirements specified in Section 218.211(a) of this Subpart if total VOM emissions from the subject coating lines are always less than or equal to 6.8 kg/day [15 lbs/day] before the application of capture systems and control devices and, therefore, are not subject to the limitations of Section 218.204 of this Subpart. Once a category of coating lines at a source is subject to the limitations in Section 218.204 of this Subpart the coating lines are always subject to the limitations in Section 218.204 of this Subpart.

b) Applicability for wood furniture coating

- 1) The limitations of this Subpart shall apply to a source's wood furniture coating lines if the source contains process emission units, not regulated by Subparts B, E, F (excluding Section 218.204(1) of this Subpart), H (excluding Section 218.405 of this Part), Q, R, S, T (excluding Section 218.486 of this Part), V, X, Y, Z or BB of this Part, which as a group both:

- A) Have a maximum theoretical emissions of 91 Mg (100 tons) or more per calendar year of VOM if no air pollution control equipment were used; and
- B) Are not limited to less than 91 Mg (100 tons) of VOM per calendar year if no air pollution control equipment were used, through production or capacity limitations contained in a federally enforceable permit or SIP revision.

- 2) The limitations of this Subpart shall apply to a source's wood furniture coating lines, on and after March 15, 1996, if the source contains process emission units, which as a group, have a potential to emit 22.7 Mg (25 tons) or more of VOM per calendar year and have not limited emissions to less than 22.7 Mg (25 tons) of VOM per calendar year through production or capacity limitations contained in a federally enforceable operating permit or SIP revision, and which:

- A) Are not regulated by Subparts B, E, F (excluding Section 218.204(1) of this Subpart), H, Q, R, S, T (excluding

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

Section 218.486 of this Part), V, X, Y, Z or BB of this Part; and

- B) Are not included in any of the following categories: synthetic organic chemical manufacturing industry (SOCMI) distillation, SOCMI reactors, plastic parts coating (business machines), plastic parts coating (other), offset lithography, industrial wastewater, autobody refinishing, SOCMI batch processing, volatile organic liquid storage tanks and clean-up solvents operations.

- 3) If a source ceases to fulfill the criteria of subsections (b)(1) or (b)(2) of this Section, the limitations of Section 218.204(1) of this Subpart shall continue to apply to any wood furniture coating line which was ever subject to the limitations of Section 218.204(1) of this Subpart.

- 4) For the purposes of subsection (b) of this Section, an emission unit shall be considered to be regulated by a Subpart if it is subject to the limitations of that Subpart. An emission unit is not considered regulated by a Subpart if it is not subject to the limits of that Subpart, e.g., the emission unit is covered by an exemption in the Subpart or the applicability criteria of the Subpart are not met.

- 5) Any owner or operator of a wood furniture coating line to which the limitations of this Subpart are not applicable due to the criteria in subsection (b) of this Section shall, upon request by the Agency or the USEPA, submit records to the Agency and the USEPA within 30 calendar days from the date of the request that document that the coating line is exempt from the limitations of this Subpart.

- c) On and after March 15, 1996, the limitations of this Subpart shall not apply to touch-up and repair coatings used by a coating source described by subsections 218.204(b), (d), (f), (g), (i), (j), (n) and (o) of this Subpart; provided that the source-wide volume of such coatings used does not exceed 0.95 l (1 quart) per eight-hour period or exceed 209 l/yr [55 gal/yr] for any rolling twelve month period. Recordkeeping and reporting for touch-up and repair coatings shall be consistent with subsection (d) of this Section ~~Section-218.211(b)(4) of this Subpart.~~

- d) On and after March 15, 1996, the owner or operator of a coating line or a group of coating lines using touch-up and repair coatings that are exempted from the limitations of Section 218.204(b), (d), (f), (g), (i), (j), (n) and (o) of this Subpart because of the provisions of Section 218.208(c) of this Subpart shall:

- 1) Collect and record the name, identification number, and volume used of each touch-up and repair coating, as applied on each coating line, per eight-hour period and per month;
- 2) Perform calculations on a daily basis, and maintain at the source records of such calculations of the combined volume of touch-up and repair coatings used source-wide for each eight-hour period;

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 3) Perform calculations on a monthly basis, and maintain at the source records of such calculations of the combined volume of touch-up and repair coatings used source-wide for the month and the rolling twelve month period;
- 4) Prepare and maintain at the source an annual summary of the information required to be compiled pursuant to subsections ~~subsection (d)(1) and (d)(2) (e)(4)(A)--and--(e)(4)(B) of this~~ Section on or before January 31 of the following year;
- 5) Maintain at the source for a minimum period of three years all records required to be kept under this subsection and make such records available to the Agency upon request;
- 6) Notify the Agency in writing if the use of touch-up and repair coatings at the source ever exceeds a volume of 0.95 l (1 quart) per eight-hour period or exceeds 209 l/yr (55 gal/yr) for any rolling twelve month period within 30 days after any such exceedance. Such notification shall include a copy of any records of such exceedance; and
- 7) "Touch-up and repair coatings" means, for purposes of 35 Ill. Adm. Code 218.208, any coating used to cover minor scratches and nicks that occur during manufacturing and assembly processes.

(Source: Amended at 20 Ill. Reg. **14428**, effective

**OCT 17 1996**)

SUBPART Q: ~~BEAKS-FROM~~ SYNTHETIC ORGANIC CHEMICAL AND POLYMER MANUFACTURING PLANT

## Section 218.431 Applicability

- a) The provisions of Sections 218.431 through 218.436 of this Subpart shall apply to:

- 1) Every owner or operator of any chemical manufacturing process unit that manufactures, as a primary product, one or more of the chemicals listed in Appendix A of this Part and that chemical manufacturing process unit causes or allows any reactor or distillation unit, either individually or in tandem, to discharge one or more process vent streams either directly to the atmosphere or to a recovery system; and
  - 2) All continuous distillation and reactor process emission units not subject to Section 218.520 through 218.527 of this Part, and located within Stepan Company's Millsdale manufacturing facility, Elwood, Illinois.
- b) Notwithstanding subsection (a) of this Section, the control requirements set forth within Section 218.432 of this Subpart shall not apply to the following:
- 1) Any process vent stream with a total resource effectiveness (TRE) index value greater than 1.0. However, such process vent stream remains subject to the performance testing requirements contained



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- in Section 218.433 of this Subpart and the reporting and recordkeeping requirements contained in Section 218.435 of this Subpart;
- 2) Any reactor or distillation unit that is designed and operated as a batch operation;
  - 3) Any reactor or distillation unit that is part of a polymer manufacturing operation;
  - 4) Any reactor or distillation unit that is part of the chemical manufacturing process unit with a total design capacity of less than 1 gigagram (1,100 tons) per year for all chemicals produced, as a primary product, within that process unit. However, such operations remain subject to the reporting and recordkeeping requirements contained in Section 218.435(d) of this Subpart; or
  - 5) Any vent stream with a flow rate less than 0.0085 scm/min or a total VOM concentration of less than 500 ppmv, less methane and ethane, as measured by Method 18, or a concentration of VOM of less than 250 ppmv as measured by Method 25A. However, such operations remain subject to the performance testing requirement listed in Section 218.433 of this Subpart, as well as the reporting and recordkeeping requirements contained in Section 218.435 of this Subpart; or
  - 6) Any reactor or distillation unit included within an Early Reduction Program, as specified in 40 CFR 63, and published in 57 Fed. Reg. 61970 (December 29, 1992), ~~October--22,--1993~~, evidenced by a timely enforceable commitment approved by USEPA.

(Source: Amended at 20 Ill. Reg. 14428, effective

OCT 17 1996)

## Section 218.434 Monitoring Requirements

- a) The owner or operator of a source subject to the control requirements in Section 218.432 of this Subpart that uses an incinerator to comply with the VOM emission limitation specified in Section 218.432(a)(1) shall install, calibrate, maintain, and operate, according to manufacturer's specifications, a temperature monitoring device equipped with a continuous recorder and having an accuracy of  $\pm 1$  percent of the temperature measured expressed in degrees Celsius, or  $\pm 0.5^\circ\text{C}$ , whichever is greater.
  - 1) Where an incinerator other than a catalytic incinerator is used, a temperature monitoring device shall be installed in the firebox.
  - 2) Where a catalytic incinerator is used, temperature monitoring devices shall be installed in the gas stream immediately before and after the catalyst bed.
- b) The owner or operator of a source that uses a flare to comply with Section 218.432(a)(2) of this Subpart shall install, calibrate, maintain, and operate, according to manufacturer's specifications, a

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- c) The owner or operator of a source that uses a boiler or process heater with a design heat input capacity less than 44 megawatts to comply with Section 218.432(a)(1) of this Subpart shall install, calibrate, maintain, and operate, according to the manufacturer's specifications, a temperature monitoring device in the firebox. The monitoring device shall be equipped with a continuous recorder with an accuracy of  $\pm 1$  percent of the temperature being measured expressed in degrees Celsius or  $\pm 0.5^\circ\text{C}$ , whichever is greater. Any boiler or process heater in which all vent streams are introduced with primary fuel is exempt from this requirement.
- d) The owner or operator of a process vent with a TRE index value of 4.0 or less that uses one or more product recovery devices shall install either an organic monitoring device equipped with a continuous recorder or the monitoring equipment specified in subsections (d)(1), (d)(2), (d)(3), or (d)(4) of this Section, depending on the type of recovery device used. All monitoring equipment shall be installed, calibrated, and maintained according to the manufacturer's specifications.
  - 1) Where an absorber is the final recovery device in the recovery system, a scrubbing liquid temperature monitoring device and a specific gravity monitoring device, each equipped with a continuous recorder, shall be used.
  - 2) Where a condenser is the final recovery device in the recovery system, a condenser exit (product side) temperature monitoring device equipped with a continuous recorder and having an accuracy of  $\pm 1$  percent of the temperature being monitored expressed in degrees Celsius or  $\pm 0.5^\circ\text{C}$ , whichever is greater.
  - 3) Where a carbon adsorber is the final recovery device in the recovery system, an integrating regeneration steam stream flow monitoring device having an accuracy of  $\pm 10$  percent, capable of recording the total regeneration steam stream mass flow for each regeneration cycle; and a carbon bed temperature monitoring device having an accuracy of  $\pm 1$  percent of the temperature being monitored expressed in degrees Celsius of  $\pm 0.5^\circ\text{C}$ , capable of recording the carbon bed temperature after each regeneration and within 15 minutes of completing any cooling cycle.
  - 4) Where a scrubber is used with an incinerator, boiler, or, in the case of halogenated vent streams, a process heater, the following monitoring equipment is required for the scrubber:
    - A) A pH monitoring device equipped with a continuous recorder to monitor the pH of the scrubber effluent; and
    - B) Flow meters equipped with a continuous recorder at the scrubber influent for liquid flow and the scrubber inlet for gas stream flow.
  - e) The owner or operator of a process vent using a vent system that

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

contains bypass lines capable of diverting a vent stream away from the control device associated with a process vent shall comply with either (e)(1) or (e)(2) of this Section. Equipment needed for safety purposes, including, but not limited to, pressure relief devices, are not subject to this subsection.

- 1) The owner or operator shall install, calibrate, maintain, and operate a flow indicator that provides a record of vent stream flow at least once every 15 minutes. The flow indicator shall be installed at the entrance to any bypass line that could divert the vent stream away from the control device to the atmosphere.
- 2) The owner or operator shall secure the bypass line valve in the closed position with a car-seal or a lock-and-key type configuration. A visual inspection of the seal or closure mechanism shall be performed at least once every month to ensure that the valve is maintained in the closed position and the vent stream is not diverted through the bypass line.

- f) The owner or operator of a process vent may monitor by an equivalent alternative means or parameters other than those listed in subsections (a) through (d) of this Section. Any equivalent alternative shall be approved by the Agency and USEPA, and contained in the source's operating permit as federally enforceable permit conditions.

(Source: Amended at 20 Ill. Reg. 14428, effective OCT-17-1996)

## Section 218.435 Recordkeeping and Reporting Requirements

- a) Every owner or operator of a reactor or distillation unit with a TRE index value of 4.0 or less shall keep records, for a minimum of 3 years, of the following parameters measured during a performance test or TRE determination required under Section 218.433 of this Subpart, and required to be monitored under Section 218.434 of this Subpart.

- 1) Every owner or operator of a source that seeks to demonstrate compliance with Section 218.432(a)(1) of this Subpart through the use of either a thermal or catalytic incinerator shall maintain records of the following:

- A) The average firebox temperature of the incinerator (or the average temperature upstream and downstream of the catalyst bed for a catalytic incinerator), measured at least every 15 minutes and averaged over the same time period of the performance testing; and
- B) The percent reduction of VOM determined as specified in Section 218.433(c) of this Subpart achieved by the incinerator, or the concentration of VOM (ppmv, by compound) determined as specified in Section 218.433(c) of this Subpart at the outlet of the control device, on a dry basis, corrected to 3 percent oxygen.

- 2) Every owner or operator of a source that seeks to demonstrate

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

compliance with Section 218.432(a)(1) of this Subpart through the use of a boiler or process heater shall maintain the records described below. Any boiler or process heater in which all vent streams are introduced with primary fuel are exempt from these requirements.

- A) A description of the location at which the vent stream is introduced into the boiler or process heater; and
- B) The average combustion temperature of the boiler or process heater with a design heat input capacity of less than 44 megawatt measured at least every 15 minutes and averaged over the same time period of the performance testing.

- 3) Every owner or operator of a source that seeks to demonstrate compliance with Section 218.432(a)(2) of this Subpart through use of a smokeless flare, or flare design (i.e., steam-assisted, air-assisted, or nonassisted), shall maintain records of all visible emission readings, heat content determinations, flow rate measurements, and exit velocity determinations made during the performance test, continuous records of the flare pilot flame monitoring, and records of all periods of operations during which the pilot flame is absent.

- 4) Every owner or operator of a source that seeks to demonstrate compliance with Section 218.432(b) of this Subpart shall maintain records of the following:

- A) Where an absorber is the final recovery device in the recovery system, the exit specific gravity (or alternative parameter which is a measure of the degree of absorbing liquid saturation, if approved by the Agency and USPPA, and average exit temperature of the absorbing liquid measured at least every 15 minutes and averaged over the same time period as the performance testing (both measured while the vent stream is normally routed and constituted);

- B) Where a condenser is the final recovery device in the recovery system, the average exit (product side) temperature measured at least every 15 minutes and averaged over the same time period as the performance testing while the vent stream is normally routed and constituted;

- C) Where a carbon adsorber is the final recovery device in the recovery system, the total steam stream mass or volumetric flow measured at least every 15 minutes and averaged over the same time period as the performance testing (full carbon bed cycle), the temperature of the carbon bed after regeneration (and within 15 minutes of completion of any cooling cycle(s)), and duration of the carbon bed steaming cycle (all measured while the vent stream is normally routed and constituted);

- D) As an alternative to subsection (a)(4)(A), (a)(4)(B) or (a)(4)(C) of this Section, the concentration level or reading indicated by the organic monitoring device at the



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

outlet of the absorber, condenser, or carbon absorber, measured at least every 15 minutes and averaged over the same time period as the performance testing (measured while the vent stream is normally routed and constituted); or

E) All measurements and calculations performed to determine the flow rate, VOM concentration, heating value, and TRE index value of the vent stream.

b) Every owner or operator of a reactor or distillation unit with a TRE index value of less than 4.0 shall be subject to the exceedance reporting requirements of the draft Enhanced Monitoring Guidelines as published at 58 Fed. Reg. 54648 (October 22, 1993).

c) Every owner or operator of a source seeking to comply with Section 218.432(b) of this Subpart shall maintain records of the following:

1) Any changes in production capacity, feedstock type, catalyst type, or of any replacement, removal, or addition of recovery equipment or reactors and distillation units; and

2) Any recalculation of the flow rate, VOM concentration, or TRE index value calculated according to subsection Section (c) of Appendix G of this Part.

d) Every owner or operator of a source claiming a design capacity of less than 1 gigagram (1,100 tons) per year, as contained in Section 218.431(b) of this Subpart, shall maintain records of the design capacity or any changes in equipment or operations that may affect the design capacity.

e) Every owner or operator of a source claiming a vent stream flow rate or vent stream concentration exemption level, as contained in Section 218.431(b)(5) of this Subpart, shall maintain records to indicate that the stream flow rate is less than 0.0085 scm/min or the vent stream concentration is less than 500 ppmv.

(Source: Amended at 20 Ill. Reg. 14428, effective OCT 17 1996)

## SUBPART FF: BAKERY OVENS (REPEALED)

## Section 218.720 Applicability (Repealed)

a) The provisions of this Subpart shall apply to every owner or operator of a source which operates a bakery oven, as defined at 35 Ill. Admin. Code 218.680, unless the source bakes products only for on-site human consumption or on-site retail sale.

b) Notwithstanding subsection (a) of this Section, a source is required to comply with the control requirements of this Subpart only if the source has the potential to emit 22.7 Mg (25 tons) or more of VOM per year in the aggregate, from all emission units at the source excluding:

i) Emission units regulated by Subparts B, E, F, H, G, R, S, T (excluding Section 218.486 of this Part), V, X, Y, Z or BB of

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

this Part, and

2) Emission units that are included in any of the following categories: synthetic organic chemical manufacturing industry (SOCMI) distillation, SOGMI reactors, wood furniture coating, plastic parts coating, business machines, plastic parts coating, tothery offset lithography, industrial wastewater, autobody refinishing, SOGMI batch processing, volatile organic liquid storage tanks and clean up solvents operations.

c) Every owner or operator of a source which has limited its potential to emit below 22.7 Mg (25 tons) of VOM per year as specified in subsection (b) of this Section through federally enforceable permit conditions is not required to comply with this Subpart.

d) Every owner or operator of a bakery oven which is exempt from the control requirements of this Subpart because of the criteria in subsection (b) of this Section remains subject to the recordkeeping and reporting requirements of Section 218.728(b) of this Subpart and the certification requirements in Section 218.730(d) of this Subpart.

(Source: Repealed at 20 Ill. Reg. 14428, effective OCT 17 1996)

## Section 218.722 Control Requirements (Repealed)

a) Every owner or operator of a source subject to the control requirements of this Subpart shall comply with the requirements of subsection (a)(1) or (a)(2) of this Section for each bakery oven with a stated heat input capacity of at least 2 mmbtu/hr or at least 586 kW:

i) Operate emissions capture and control equipment which achieves an overall reduction in uncontrolled VOM emissions of at least 81 percent from each such bakery oven; or

2) Provide an equivalent alternative control plan for such bakery ovens at the source which has been approved by the Agency and US EPA through federally enforceable permit conditions or as a SIP revision.

b) An owner or operator of a source subject to the control requirements of this Subpart may elect to exempt from the control requirements in subsections (a)(1) or (a)(2) and (c)(1) or (c)(2) of this Section any bakery oven with actual VOM emissions less than or equal to 15 ppb, provided that the total actual VOM emissions from all such exempt bakery ovens never exceed 25 ppb.

c) Notwithstanding the requirements in subsection (a) of this Section, until March 15, 1998, only a source may elect to comply with the control requirements in subsection (c)(1) or (c)(2) of this Section rather than the control requirements in subsection (a)(1) or (a)(2) of this Section if all emission units at the source in the aggregate excluding emission units regulated by Subparts B, E, F, H, G, R, S, T (excluding Section 218.486 of this Subpart), V, X, Y, Z or BB of

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

210-406-of-this-Subpart)-V<sub>7</sub>-X<sub>7</sub>-Y<sub>7</sub>-S-or-BB-of-this-Party-have-maximum theoretical emissions of less than 90.7 Mg (100 tons) of VOM per year or are limited to less than 90.7 Mg (100 tons) of VOM emissions per calendar year in the absence of air pollution control equipment through production or capacity limitations contained in a federally enforceable permit conditions or in a SIP revision:

- 1) Operate emissions capture and control equipment which achieves an overall reduction in uncontrolled VOM emissions of at least 60 percent from each bakery oven with a rated heat input capacity of at least 2 mmBtu/hr or at least 506 kW, or
- 2) Provide an equivalent alternative control plan for such bakery ovens at the source which has been approved by the Agency and USBPA through a federally enforceable permit conditions or as a SIP revision;
- d) Any bakery oven that becomes subject to the requirements of this Subpart at any time shall remain subject to the requirements of this Subpart at all times thereafter.

(Source: Repealed at 20 Ill. Reg. 14428, effective OCT 17 1996)

## Section 218.726 Testing (Repealed)

- a) Upon request by the Agency, the owner or operator of a bakery oven shall, at its own expense, conduct such tests in accordance with the applicable test methods and procedures specified in Section 218.105(f) of this Part to demonstrate compliance with the control requirements of this Subpart and shall:
  - 1) Notify the Agency 30 days prior to conducting such tests; and
  - 2) Submit all test results to the Agency within 45 days after conducting such tests.
- b) Nothing in this Section shall limit the authority of USBPA pursuant to the Clean Air Act (CAA) to require testing or shall affect the authority of USBPA under Section 114 of the CAA (42 U.S.C. 7414 (1990)).

(Source: Repealed at 20 Ill. Reg. 14428, effective OCT 17 1996)

## Section 218.727 Monitoring (Repealed)

- a) Every owner or operator of a bakery oven subject to the control requirements of this Subpart shall install and operate at all times a device to continuously monitor the following parameters for each type of control device as follows:
  - 1) For catalytic oxidizers, the inlet and outlet temperatures of the oxidizer;
  - 2) For regenerative oxidizers, the temperature in the combustion

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

chamber or  
 3) For thermal incinerators, the temperature in the combustion chamber;

- b) The owner or operator may monitor with an alternative method or monitor other parameters if approved by the Agency and USBPA through a federally enforceable permit conditions or as a SIP revision.

(Source: Repealed at 20 Ill. Reg. 14428, effective OCT 17 1996)

## Section 218.728 Recordkeeping and Reporting (Repealed)

- a) Every owner or operator of a bakery oven shall maintain the following records for the most recent consecutive 3 year period for all bakery ovens subject to the control requirements of this Subpart: Such records shall be made available to the Agency immediately upon request:
  - 1) Parameters for control devices as monitored pursuant to Section 218.727 of this Subpart;
  - 2) Hrs/day of operation of each bakery oven;
  - 3) Factors necessary to calculate VOM emissions for all bakery ovens including, but not limited to, type of dough used for each yeast-leavened baked product, initial yeast percentage for each product, total fermentation time for each product, any additional percentage of yeast added, and the fermentation time of any additional yeast;
  - 4) Calculated daily VOM emissions of each bakery oven expressed as lbs/day;
  - 5) Total amount of each type of yeast-leavened bread product produced by each bakery oven expressed as lbs/day.
- b) Every owner or operator of a bakery oven which is exempt from the control requirements of this Subpart because of the criteria in Section 218.720(b) of this Subpart shall maintain records necessary to demonstrate that its potential to emit is less than 25.7 Mg (25 tons) of VOM per year as specified in Section 218.720(b). Such records shall be maintained for the most recent consecutive 3 year period and shall be made available to the Agency immediately upon request.
- c) Every owner or operator of a bakery oven which is exempt from the control requirements of this Subpart because of the criteria specified in Section 218.722(b) of this Subpart shall:
  - 1) Maintain records necessary to demonstrate that the actual VOM emissions from exempt bakery ovens are less than or equal to 15 tpy for each bakery oven and less than or equal to 25 tpy from all exempt bakery ovens combined. Such records shall be maintained for the most recent consecutive 3 year period and shall be made available to the Agency immediately upon request; and
  - 2) Notify the Agency in writing if the actual VOM emissions from an



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

exempt-bakery-oven-ever-exceed-15-ppm-or-the-actual-VOM-emissions from-a-combination-of-exempt-bakery-ovens-ever-exceed-25-ppm within-30-days-after-the-exceedance-occurs---Such-notice-shall include-a-copy-of-all-records-of-the-exceedance:

d) Every owner or operator of a bakery oven which is controlling emissions as provided in Section 218.722(c) of this Subpart until March 15, 1998, shall maintain records necessary to demonstrate that its maximum theoretical emissions as specified in Section 218.722(c) are less than 90.7 Mg (100 tons) of VOM per year. Such records shall be maintained for the most recent consecutive 3-year period and shall be made available to the Agency immediately upon request.

(Source: Repealed at 20 Ill. Reg. 14428, effective Oct 17 1996)

## Section 218.729 Compliance Date (Repealed)

On and after March 15, 1996, upon initial startup or upon modification, every owner or operator of a source subject to this Subpart shall comply with the requirements of this Subpart:

(Source: Repealed at 20 Ill. Reg. 14428, effective Oct 17 1996)

## Section 218.730 Certification (Repealed)

- a) Every owner or operator of a source subject to the control requirements of this Subpart shall certify compliance with this Subpart on or before a date consistent with Section 218.729 of this Subpart:
- b) If an owner or operator of a bakery oven subject to the control requirements of this Subpart changes the method of compliance, the owner or operator shall certify compliance with the requirements of this Subpart for the alternative method upon changing the method of compliance:
- c) All certifications of compliance with this Subpart shall include the results of all tests and the calculations performed to demonstrate that each oven at the source is in compliance with or is exempt from the control requirements of this Subpart. The certification shall include the following:
- 1) The name and identification number of each oven and any associated capture and control device;
  - 2) The maximum rated heat input of each oven;
  - 3) A classification of each oven as either a bakery oven as defined in 35 Ill. Adm. Code 211.680 or an oven used exclusively to bake non-yeast-leavened products;
  - 4) The capture and control efficiency of each bakery oven control device.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 5) Test reports, calculations and other data necessary to demonstrate that the capture and control efficiency of each bakery oven control device achieves an overall reduction in uncontrolled VOM emissions of at least 81 percent, and the date each bakery oven control device was installed and operating:
- d) On or before March 15, 1996, or upon initial startup, every owner or operator of a bakery oven which is exempt from the control requirements of this Subpart because of the criteria in Section 218.720(b) of this Subpart shall certify that its potential to emit is less than 22.7 Mg (25 tons) of VOM per year, as specified in Section 218.720(b):
- e) On or before March 15, 1996, or upon initial startup, every owner or operator of a bakery oven which is exempt from the control requirements of this Subpart because of the criteria specified in Section 218.722(b) of this Subpart shall certify that actual VOM emissions from any individual exempt bakery oven never exceed 15 ppm, and that VOM emissions from all exempt bakery ovens in the aggregate never exceed 25 ppm.
- f) On or before March 15, 1996, or upon initial startup if prior to March 15, 1998, every owner or operator of a bakery oven which is controlling emissions as provided by Section 218.722(c) of this Subpart shall certify that its maximum theoretical emissions as specified in Section 218.722(c) are less than 90.7 Mg (100 tons) of VOM per year.

(Source: Repealed at 20 Ill. Reg. 14428, effective Oct 17 1996)

## SUBPART TT: OTHER EMISSION UNITS

## Section 218.980 Applicability

- a) Maximum theoretical emissions:
- 1) A source is subject to this Subpart if it contains process emission units not regulated by Subparts B, E, F (excluding Section 218.204(1) of this Part), H (excluding Section 218.405 of this Part), Q, R, S, T (excluding Section 218.486 of this Part), V, X, Y, Z or BB of this Part, which as a group both:
    - A) Have maximum theoretical emissions of 90.7 Mg (100 tons) or more per calendar year of VOM, and
    - B) Are not limited to less than 90.7 Mg (100 tons) of VOM emissions per calendar year in the absence of air pollution control equipment through production or capacity limitations contained in a federally enforceable permit or a SIP revision.
  - 2) If a source is subject to this Subpart as provided in this Subpart, the requirements of this Subpart shall apply to a

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

source's VOM emission units which are not included within any of the categories specified in Subparts B, E, F, H, Q, R, S, T, V, X, Y, Z, AA, BB, PP, QQ, or RR of this Part or which are not exempted from permitting requirements pursuant to 35 Ill. Adm. Code 201.146.

## b) Potential to emit:

1) A source is subject to this Subpart if it has the potential to emit 22.7 Mg (25 tons) or more of VOM per year, in aggregate, from emission units, other than furnaces at glass container manufacturing sources and VOM leaks from components, that are:

A) Not regulated by Subparts B, E, F, H, Q, R, S, T, (excluding Section 218.486 of this Part), V, X, Y, Z, or BB of this Part, or

B) Not included in any of the following categories: synthetic organic chemical manufacturing industry (SOCMI) distillation, SOCMI reactors, wood furniture, plastic parts coating (business machines), plastic parts coating (other), offset lithography, industrial wastewater, autobody refinishing, SOCMI batch processing, volatile organic liquid storage tanks and clean-up solvents operations.

2) If a source is subject to this Subpart as provided above, the requirements of this Subpart shall apply to a source's VOM emission units, which are:

A) Not included within any of the categories specified in Subparts B, E, F, H, Q, R, S, T, V, X, Y, Z, AA, BB, CC, DD, PP, QQ or RR of this Part, or which are not exempted from permitting requirements pursuant to 35 Ill. Adm. Code 201.146 (excluding Section 201.146(o) and (p)), or

B) Not included in any of the following categories: synthetic organic chemical manufacturing industry (SOCMI) distillation, SOCMI reactors, wood furniture, plastic parts coating (business machines), plastic parts coating (other), offset lithography, industrial wastewater, autobody refinishing, SOCMI batch processing, volatile organic liquid storage tanks and clean-up solvents operations.

c) If a source ceases to fulfill the criteria of subsections (a) and/or (b) of this Section, the requirements of this Subpart shall continue to apply to an emission unit which was subject to the control requirements of Section 218.986 of this Part.

d) No limits under this Subpart shall apply to emission units with emissions of VOM to the atmosphere less than or equal to 2.3 Mg (2.5 tons) per calendar year if the total emissions from such emission units not complying with Section 218.986 of this Part does not exceed 4.5 Mg (5.0 tons) per calendar year.

e) For the purposes of this Subpart, an emission unit shall be considered regulated by a Subpart, if it is subject to the limits of that Subpart. An emission unit is considered not regulated by a Subpart if it is not subject to the limits of that Subpart, e.g., the emission

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

unit is covered by an exemption in the Subpart or the applicability criteria of the Subpart are not met.

f) The control requirements in Subpart TT shall not apply to sewage treatment plants; vegetable oil extraction and processing; coke ovens (including by-product recovery plants); fuel combustion units; bakeries; barge loading facilities; jet engine test cells; production of polystyrene foam insulation board including storage and extrusion of scrap where blowing agent is added to the polystyrene resin at the source, but not including blending and preliminary expansion of resin prior to molding where blowing agent is incorporated into the polystyrene resin by the producer of the resin; production of polystyrene or polyethylene foam packaging not including blending and preliminary expansion of resin prior to molding where blowing agent is incorporated into the polystyrene or polyethylene resin by the producer of the resin, and not including storage and extrusion of scrap where blowing agent is added to the polystyrene or polyethylene resin at the source; and iron and steel production; and furnaces at glass container manufacturing sources.

(Source: Amended at 20 Ill. Reg. **14428**, effective **OCT 17 1996**)



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

**Section 218.APPENDIX G TRE Index Measurements for SOEMI Reactors and Distillation Units**

For purposes of Subpart Q, Sections 218.431 through 218.435, the following apply:

- a) The following test methods shall be used to determine compliance with the total resource effectiveness ("TRE") index value:

- 1) Method 1 or 1A, incorporated by reference at Section 218.112 of this Part, as appropriate, for selection of the sampling site.

A) The sampling site for the vent stream molar composition determination and flow rate prescribed in subsections (a)(2) and (a)(3) of this Appendix shall be, except for the situations outlined in subsection (a)(1)(B), after the final recovery device, if a recovery system is present, prior to the inlet of any control device, and prior to any post-reactor or post-distillation unit introduction of halogenated compounds into the vent stream. No traverse site selection method is needed for vents smaller than 10 cm in diameter.

B) If any gas stream other than the reactor or distillation unit vent stream is normally conducted through the final recovery device:

- i) The sampling site for vent stream flow rate and molar composition shall be prior to the final recovery device and prior to the point at which any nonreactor or nondistillation unit vent stream or stream from a nonaffected reactor or distillation unit is introduced. Method 18 incorporated by reference at Section 218.112 of this Part, shall be used to measure organic compound concentrations at this site.

ii) The efficiency of the final recovery device is determined by measuring the organic compound concentrations using Method 18, incorporated by reference at Section 218.112 of this Part, at the inlet to the final recovery device after the introduction of all vent streams and at the outlet of the final recovery device.

iii) The efficiency of the final recovery device determined according to subsection (a)(1)(B)(ii) of this Appendix shall be applied to the organic compound concentrations measured according to subsection (a)(1)(B)(i) of this Appendix to determine the concentrations of organic compounds from the final recovery device attributable to the reactor or distillation unit vent stream. The resulting organic compound concentrations are then used to perform the calculations outlined in subsection (a)(4) of this Appendix.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 2) The molar composition of the vent stream shall be determined as follows:

A) Method 18, incorporated by reference at Section 218.112 of this Part, to measure the concentration of organic compounds including those containing halogens;

B) ASTM D1946-77, incorporated by reference at Section 218.112 of this Part, to measure the concentration of carbon monoxide and hydrogen; and

C) Method 4, incorporated by reference at Section 218.112 of this Part, to measure the content of water vapor.

3) The volumetric flow rate shall be determined using Method 2, 2A, 2C, or 2D, incorporated by reference at Section 218.112 of this Part, as appropriate.

4) The emission rate of VOM (minus methane and ethane) [E(VOM)] in the vent stream shall be calculated using the following formula:

$$E[VOM] = K[2] \sum_{j=1}^n C[j]M[j] Q[s]$$

where:

E[VOM] = Emission rate of VOM (minus methane and ethane) in the sample, kg/hr.

K[2] = Constant,  $2.494 \times 10^{-6}$  (1/ppmv)(g-mole/scm)(kg/g)(min/hr), where standard temperature for (g-mole/scm) is 20° C.

C[j] = Concentration of compound j, on a dry basis, in ppmv as measured by Method 18, incorporated by reference at Section 218.112 of this Part, as indicated in Section 218.433(c)(3) of this Part.

M[j] = Molecular weight of sample j, g/g-mole.

Q[s] = Vent stream flow rate (scm) at a temperature of 20° C.

5) The total vent stream concentration (by volume) of compounds containing halogens (ppmv, by compound) shall be summed from the individual concentrations of compounds containing halogens which were measured by Method 18, incorporated by reference at Section 218.112 of this Part.

6) The net heating value of the vent stream shall be calculated using the following:

$$H[T] = K[1] \sum_{j=1}^n C[j]H[j] (1-B[ws])$$

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

where:

$H[T]$  = Net heating value of the sample (MJ/scm), where the net enthalpy per mole of vent stream is based on combustion of 25° C and 760 mmHG, but the standard temperature for determining the volume corresponding to one mole is 20° C 25a-E, as in the definition of  $Q[s]$  (vent stream flow rate).

$K[l]$  = Constant,  $1.740 \times 10^{(-7)}$  (ppmv)(-1) (g-mole/scm), (MJ/kCal), where standard temperature for (g-mole/scm) is 20° C.

$B[ws]$  = Water vapor content of the vent stream, proportion by volume; except that if the vent stream passes through a final stream jet and is not condensed, it shall be assumed that  $B[ws] = 0.023$  in order to correct to 2.3 percent moisture.

$C[j]$  = Concentration on a dry basis of compound  $j$  in ppmv, as measured for all organic compounds by Method 18, incorporated by reference at Section 218.112 of this Part, and measured for hydrogen and carbon monoxide by using ASTM D1946-77, incorporated by reference at Section 218.112 of this Part.

$H[j]$  = Net heat of combustion of compound  $j$ , kCal/g-mole, based on combustion at 25° C and 760 mmHG. The heats of combustion of vent stream components shall be determined using ASTM D2382-83, incorporated by reference at Section 218.112 of this Part, if published values are not available or cannot be calculated.

- b) 1) The TRE index value of the vent shall be calculated using the following:

$$TRE = \frac{1}{E[VOM]} [a + b(Q[s]) + c(H[T]) + d(E[VOM])]$$

where:

TRE = TRE index value.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

$E[VOM]$  = Hourly emission rate of VOM (kg/hr) as calculated in subsection (a)(4) of this Appendix.

$Q[s]$  = Vent stream flow rate scm/min at a standard temperature of 20° C.

$H[T]$  = Vent stream net heating value (MJ/scm), as calculated in subsection (a)(6) of this Appendix.

$E[VOM]$  = Hourly emission rate of VOM (minus methane and ethane), (kg/hr) as calculated in subsection (a)(4) of this Appendix.

a,b, = Value of coefficients presented below  
c,d are:

Value of Coefficients

Type of Stream	Control Device Basis	a	b	c	d
Nonhalogenated	Flare	2.129	0.183	-0.005	0.359
	Thermal incinerator zero (0) Percent heat Recovery	3.075	0.021	-0.037	0.018
	Thermal incinerator 70 Percent heat Recovery	3.803	0.032	-0.042	0.007
Halogenated	Thermal incinerator and scrubber	5.470	0.181	-0.040	0.004

- 2) Every owner or operator of a vent stream shall use the applicable coefficients identified for values a, b, c, and d in subsection (b)(1) of this Appendix to calculate the TRE index value based on a flare, a thermal incinerator with zero (0) percent heat recovery, and a thermal incinerator with 70 percent heat recovery, and shall select the lowest TRE index value.
- 3) Every owner or operator of a reactor or distillation unit with a halogenated vent stream, determined as any stream with a total concentration of halogen atoms contained in organic compounds of 200 ppmv or greater, shall use the applicable coefficients identified for values a, b, c and d in subsection (b)(1) of this Appendix to calculate the TRE index value based on a thermal



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

incinerator and scrubber.

- c) Every owner or operator of a source seeking to comply with Section 218.432(b) of this Part shall recalculate the flow rate and VOM concentration for each affected vent stream whenever process changes are made. Examples of process changes include, but are not limited to, changes in production capacity, feedstock type, or catalyst type, or whenever there is replacement, removal, or addition of recovery equipment. The flow rate and VOM concentration shall be recalculated based on test data, or on best engineering estimates of the effects of the change to the recovery system.
- d) Whenever a process change, as defined in Section 218.435(c) of this Subpart, yields a TRE index value of 1.0 or less, the owner or operator shall notify and submit a report to the Agency according to the requirements specified in Section 218.435(c) of this Subpart, within 180 calendar days after the process change and shall conduct a performance test according to the methods and procedures required by Section 218.433 of this Part.
- e) For the purpose of demonstrating that a process vent stream has a VOM concentration below 500 ppmv, the following shall be used:
  - 1) The sampling site shall be selected as specified in Section 218.433(c)(1) of this Part.
  - 2) Method 18 or Method 25A of 40 CFR Part 60, Appendix A, incorporated by reference at Section 218.112 of this Part, shall be used to measure concentration; alternatively, any other method or data that has been validated according to the protocol in Method 301 of 40 CFR Part 63, Appendix A, incorporated by reference at Section 218.112 of this Part, may be used.
  - 3) Where Method 18 is used, the following procedures shall be used to calculate ppmv concentration:
    - i) The minimum sampling time for each run shall be 1 hour in which either an integrated sample or four grab samples shall be taken. If grab sampling is used, then the samples shall be taken at approximately equal intervals in time, such as 15 minute intervals during the run.
    - ii) The concentration of VOM shall be calculated using Method 18 according to Section 218.433(c)(4) of this Part.
  - 4) Where Method 25A is used, the following procedures shall be used to calculate ppmv VOM concentration:
    - i) Method 25A shall be used only if a single VOM is greater than 50 percent of total VOM, by volume, in the process vent stream.
    - ii) The vent stream composition may be determined by either process knowledge, test data collected using an appropriate Reference Method or a method of data collection validated according to the protocol in Method 301 of 40 CFR Part 63, Appendix A, incorporated by reference at Section 218.112 of this Part. Examples of information that constitute process knowledge include calculations based on material balances,

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

process stoichiometry, or previous test results provided the results are still relevant to the current process vent stream conditions.

- iii) The VOM used as the calibration gas for Method 25A shall be the single VOM present at greater than 50 percent of the total VOM by volume.
- iv) The span value for Method 25A shall be 50 ppmv.
- v) Use of Method 25A is acceptable if the response from the high-level calibration gas is at least 20 times the standard deviation of the response from the zero calibration gas when the instrument is zeroed on the most sensitive scale.
- vi) The concentration of VOM shall be corrected to 3 percent oxygen using the procedures and equation in Section 218.433(c)(3) of this Part.
- 5) The owner or operator shall demonstrate that the concentration of VOM, including methane and ethane, measured by Method 25A is below 250 ppmv to qualify for the low concentration exclusion in Section 218.431 of this Part.

(Source: Amended at 20 Ill. Reg.

**14428**,

effective

**OCT 17 1996**)

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Organic Material Emission Standards and Limitations for the Metro East Area

2) Code Citation: 35 Ill. Adm. Code 219

3) <u>Section Numbers:</u>	<u>Adopted Action:</u>
219.108	Amended
219.110	Amended
219.111	Amended
219.208	Amended
219.431	Amended
219.434	Amended
219.435	Amended
219.720	Repealed
219.722	Repealed
219.726	Repealed
219.727	Repealed
219.728	Repealed
219.729	Repealed
219.730	Repealed
219. Appendix G	Amended

4) Statutory Authority: 415 ILCS 5/28.5

5) Effective Date of Rulemaking: October 28, 1996

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: December 13, 1995

9) Notice of Proposal Published in Illinois Register: 20 Ill. Reg. 155, January 5, 1996

10) Has JCER issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version:

1. In the Table of Contents, Section 219.110 changed "Solvents" to "Solvent".
2. In Source Note, deleted reference to "R96-2".
3. In Section 219.431(4), struck "or".
4. In Section 219.431(5), struck period and added "; or".
5. In Section 219.434(d), changed "subsections" to "subsection".
6. In Section 219.435(a)(3), struck comma.
7. In Section 219.435(a)(4)(A), added closing parenthesis.
8. In Section 219.435(c)(2), changed "Section" to "subsection".

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

12) Have all the changes agreed upon by the agency and JCER been made as indicated in the agreement letter issued by JCER? The Board made all changes as verbally agreed upon; no letter of agreement was issued in this matter.

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: A complete description of this Section 28.5 fasttrack rulemaking is included in the Board's October 19, 1996 opinion and order in docket R96-13, which is available from the address below. Specifically, this rulemaking adopts amendments to 35 Ill. Adm. Code 218 pursuant to the Rate of Progress plan submitted to the USEPA on November 15, 1993. The amendments to Subpart A, General Provisions, correct the vapor pressure equations; the amendments to Subpart F, Coating Operations, clarify the recordkeeping and reporting requirements; the amendments to Subpart Q, Synthetic Organic Chemical and Polymer Manufacturing Plan, corrects a publication date for a Federal Register reference and corrects minor typographical errors; the amendments in Subpart FF reflect the repeal of bakery oven rules by the Illinois General Assembly; the amendment in Subpart TT corrects the exemption for polyethylene foam packaging operations from the applicable control requirements; and the amendment in Appendix G corrects a typographical error.

16) Information and questions regarding these adopted amendments shall be directed to:

K.C. Poulos  
100 W. Randolph Street  
State of Illinois Center  
Suite 11-500  
Chicago, IL 60601  
312/814-3665

Copies of the Board's opinions and orders may be requested from the Clerk of the Board at the address above. Please refer to Docket number R94-21, R94-31, and R94-32 in your request.

The full text of the Adopted Amendment begins on the next page:



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 35: ENVIRONMENTAL PROTECTION

## SUBTITLE B: AIR POLLUTION

## CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: EMISSIONS STANDARDS AND LIMITATIONS  
FOR STATIONARY SOURCES

## PART 219

ORGANIC MATERIAL EMISSION STANDARDS AND LIMITATIONS  
FOR THE METRO EAST AREA

## SUBPART A: GENERAL PROVISIONS

Section	
219.100	Introduction
219.101	Savings Clause
219.102	Abbreviations and Conversion Factors
219.103	Applicability
219.104	Definitions
219.105	Test Methods and Procedures
219.106	Compliance Dates
219.107	Operation of Afterburners
219.108	Exemptions, Variations, and Alternative Means of Control or Compliance Determinations
219.109	Vapor Pressure of Volatile Organic Liquids
219.110	Vapor Pressure of Organic Material or Solvent Solvents
219.111	Vapor Pressure of Volatile Organic Material
219.112	Incorporations by Reference
219.113	Monitoring for Negligibly-Reactive Compounds

## SUBPART B: ORGANIC EMISSIONS FROM STORAGE AND LOADING OPERATIONS

Section	
219.119	Applicability for VOL
219.120	Control Requirements for Storage Containers of VOL
219.121	Storage Containers of VPL
219.122	Loading Operations
219.123	Petroleum Liquid Storage Tanks
219.124	External Floating Roofs
219.125	Compliance Dates
219.126	Compliance Plan (Repealed)
219.127	Testing VOL Operations
219.128	Monitoring VOL Operations
219.129	Recordkeeping and Reporting for VOL Operations

## SUBPART C: ORGANIC EMISSIONS FROM MISCELLANEOUS EQUIPMENT

Section	
219.141	Separation Operations

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

219.142	Pumps and Compressors
219.143	Vapor Blowdown
219.144	Safety Relief Valves

## SUBPART E: SOLVENT CLEANING

Section	
219.181	Solvent Cleaning in General
219.182	Cold Cleaning
219.183	Open Top Vapor Degreasing
219.184	Conveyorized Degreasing
219.185	Compliance Schedule (Repealed)
219.186	Test Methods

## SUBPART F: COATING OPERATIONS

Section	
219.204	Emission Limitations
219.205	Daily-Weighted Average Limitations
219.206	Solids Basis Calculation
219.207	Alternative Emission Limitations
219.208	Exemptions From Emission Limitations
219.209	Exemption from General Rule on Use of Organic Material
219.210	Compliance Schedule
219.211	Recordkeeping and Reporting
219.212	Cross-Line Averaging to Establish Compliance for Coating Lines
219.213	Recordkeeping and Reporting for Cross-Line Averaging Participating Coating Lines
219.214	Changing Compliance Methods

## SUBPART G: USE OF ORGANIC MATERIAL

Section	
219.301	Use of Organic Material
219.302	Alternative Standard
219.303	Fuel Combustion Emission Units
219.304	Operations with Compliance Program

## SUBPART H: PRINTING AND PUBLISHING

Section	
219.401	Flexographic and Rotogravure Printing
219.402	Applicability
219.403	Compliance Schedule
219.404	Recordkeeping and Reporting
219.405	Lithographic Printing: Applicability
219.406	Provisions Applying to Heatset Web Offset Lithographic Printing Prior to March 15, 1996

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

219.407 Emission Limitations and Control Requirements for Lithographic  
Printing Lines On and After March 15, 1996  
219.408 Compliance Schedule for Lithographic Printing on and After March 15,  
1996  
219.409 Testing for Lithographic Printing On and After March 15, 1996  
219.410 Monitoring Requirements for Lithographic Printing  
219.411 Recordkeeping and Reporting for Lithographic Printing

SUBPART Q: SYNTHETIC ORGANIC CHEMICAL AND POLYMER  
MANUFACTURING PLANT

Section  
219.421 General Requirements  
219.422 Inspection Program Plan for Leaks  
219.423 Inspection Program for Leaks  
219.424 Repairing Leaks  
219.425 Recordkeeping for Leaks  
219.426 Report for Leaks  
219.427 Alternative Program for Leaks  
219.428 Open-Ended Valves  
219.429 Standards for Control Devices  
219.430 Compliance Date (Repealed)  
219.431 Applicability  
219.432 Control Requirements  
219.433 Performance and Testing Requirements  
219.434 Monitoring Requirements  
219.435 Recordkeeping and Reporting Requirements  
219.436 Compliance Date

SUBPART R: PETROLEUM REFINING AND RELATED INDUSTRIES;  
ASPHALT MATERIALS

Section  
219.441 Petroleum Refinery Waste Gas Disposal  
219.442 Vacuum Producing Systems  
219.443 Wastewater (Oil/Water) Separator  
219.444 Process Unit Turnarounds  
219.445 Leaks: General Requirements  
219.446 Monitoring Program Plan for Leaks  
219.447 Monitoring Program for Leaks  
219.448 Recordkeeping for Leaks  
219.449 Reporting for Leaks  
219.450 Alternative Program for Leaks  
219.451 Sealing Device Requirements  
219.452 Compliance Schedule for Leaks  
219.453 Compliance Dates (Repealed)

## SUBPART S: RUBBER AND MISCELLANEOUS PLASTIC PRODUCTS

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

Section  
219.461 Manufacture of Pneumatic Rubber Tires  
219.462 Green Tire Spraying Operations  
219.463 Alternative Emission Reduction Systems  
219.464 Emission Testing  
219.465 Compliance Dates (Repealed)  
219.466 Compliance Plan (Repealed)

## SUBPART T: PHARMACEUTICAL MANUFACTURING

Section  
219.480 Applicability  
219.481 Control of Reactors, Distillation Units, Crystallizers, Centrifuges  
and Vacuum Dryers  
219.482 Control of Air Dryers, Production Equipment Exhaust Systems and  
Filters  
219.483 Material Storage and Transfer  
219.484 In-Process Tanks  
219.485 Leaks  
219.486 Other Emission Units  
219.487 Testing  
219.488 Monitoring for Air Pollution Control Equipment  
219.489 Recordkeeping for Air Pollution Control Equipment

## SUBPART V: BATCH OPERATIONS AND AIR OXIDATION PROCESSES

Section  
219.500 Applicability for Batch Operations  
219.501 Control Requirements for Batch Operations  
219.502 Determination of Uncontrolled Total Annual Mass Emissions and Actual  
Weighted Average Flow Rate Values for Batch Operations  
219.503 Performance and Testing Requirements for Batch Operations  
219.504 Monitoring Requirements for Batch Operations  
219.505 Reporting and Recordkeeping for Batch Operations  
219.506 Compliance Date  
219.520 Emission Limitations for Air Oxidation Processes  
219.521 Definitions (Repealed)  
219.522 Savings Clause  
219.523 Compliance  
219.524 Determination of Applicability  
219.525 Emission Limitations for Air Oxidation Processes (Renumbered)  
219.526 Testing and Monitoring  
219.527 Compliance Date (Repealed)

## SUBPART W: AGRICULTURE

Section  
219.541 Pesticide Exception



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## SUBPART X: CONSTRUCTION

Section	
219.561	Architectural Coatings
219.562	Paving Operations
219.563	Cutback Asphalt
SUBPART Y: GASOLINE DISTRIBUTION	
Section	
219.581	Bulk Gasoline Plants
219.582	Bulk Gasoline Terminals
219.583	Gasoline Dispensing Operations - Storage Tank Filling Operations
219.584	Gasoline Delivery Vessels
219.585	Gasoline Volatility Standards
219.586	Gasoline Dispensing Operations - Motor Vehicle Fueling Operations (Repealed)

## SUBPART Z: DRY CLEANERS

Section	
219.601	Perchloroethylene Dry Cleaners
219.602	Exemptions
219.603	Leaks
219.604	Compliance Dates (Repealed)
219.605	Compliance Plan (Repealed)
219.606	Exception to Compliance Plan (Repealed)
219.607	Standards for Petroleum Solvent Dry Cleaners
219.608	Operating Practices for Petroleum Solvent Dry Cleaners
219.609	Program for Inspection and Repair of Leaks
219.610	Testing and Monitoring
219.611	Exemption for Petroleum Solvent Dry Cleaners
219.612	Compliance Dates (Repealed)
219.613	Compliance Plan (Repealed)

## SUBPART AA: PAINT AND INK MANUFACTURING

Section	
219.620	Applicability
219.621	Exemption for Waterbase Material and Heatset- Offset Ink
219.623	Permit Conditions
219.624	Open-Top Mills, Tanks, Vats or Vessels
219.625	Grinding Mills
219.626	Storage Tanks
219.628	Leaks
219.630	Clean Up
219.636	Compliance Schedule
219.637	Recordkeeping and Reporting

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## SUBPART BB: POLYSTYRENE PLANTS

Section	
219.640	Applicability
219.642	Emissions Limitation at Polystyrene Plants
219.644	Emissions Testing

## SUBPART FF: BAKERY OVENS (Repealed)

Section	
219.720	Applicability (Repealed)
219.722	Control Requirements (Repealed)
219.726	Testing (Repealed)
219.727	Monitoring (Repealed)
219.728	Recordkeeping and Reporting (Repealed)
219.729	Compliance Date (Repealed)
219.730	Certification (Repealed)

## SUBPART GG: MARINE TERMINALS

Section	
219.760	Applicability
219.762	Control Requirements
219.764	Compliance Certification
219.766	Leaks
219.768	Testing and Monitoring
219.770	Recordkeeping and Reporting

## SUBPART HH: MOTOR VEHICLE REFINISHING

Section	
219.780	Emission Limitations
219.782	Alternative Control Requirements
219.784	Equipment Specifications
219.786	Surface Preparation Materials
219.787	Work Practices
219.788	Testing
219.789	Monitoring and Recordkeeping for Control Devices
219.790	General Recordkeeping and Reporting
219.791	Compliance Date
219.792	Registration
219.875	Applicability of Subpart BB (Renumbered)
219.877	Emissions Limitation at Polystyrene Plants (Renumbered)
219.879	Compliance Date (Repealed)
219.881	Compliance Plan (Repealed)
219.883	Special Requirements for Compliance Plan (Repealed)
219.886	Emissions Testing (Renumbered)

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## SUBPART PP: MISCELLANEOUS FABRICATED PRODUCT MANUFACTURING PROCESSES

Section  
219.920 Applicability  
219.923 Permit Conditions  
219.926 Control Requirements  
219.927 Compliance Schedule  
219.928 Testing

## SUBPART QQ: MISCELLANEOUS FORMULATION MANUFACTURING PROCESSES

Section  
219.940 Applicability  
219.943 Permit Conditions  
219.946 Control Requirements  
219.947 Compliance Schedule  
219.948 Testing

## SUBPART RR: MISCELLANEOUS ORGANIC CHEMICAL MANUFACTURING PROCESSES

Section  
219.960 Applicability  
219.963 Permit Conditions  
219.966 Control Requirements  
219.967 Compliance Schedule  
219.968 Testing

## SUBPART TT: OTHER EMISSION UNITS

Section  
219.980 Applicability  
219.983 Permit Conditions  
219.986 Control Requirements  
219.987 Compliance Schedule  
219.988 Testing

## SUBPART UU: RECORDKEEPING AND REPORTING

Section  
219.990 Exempt Emission Units  
219.991 Subject Emission Units

APPENDIX A List of Chemicals Defining Synthetic Organic Chemical and Polymer Manufacturing  
APPENDIX B VOM Measurement Techniques for Capture Efficiency  
APPENDIX C Reference Methods and Procedures  
APPENDIX D Coefficients for the Total Resource Effectiveness Index (TRE) Equation

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

APPENDIX E List of Affected Marine Terminals  
APPENDIX G TRE Index Measurements for SOCM I Reactors and Distillation Units  
APPENDIX H Baseline VOM Content Limitations for Subpart F, Section 219.212 Cross-Line Averaging

AUTHORITY: Implementing Section 10 and authorized by Section 28.5 of the Environmental Protection Act [415 ILCS 5/10 and 28.5].

SOURCE: Adopted in R91-8 at 15 Ill. Reg. 12491, effective August 16, 1991; amended in R91-24 at 16 Ill. Reg. 13597, effective August 24, 1992; amended in R91-30 at 16 Ill. Reg. 13883, effective August 24, 1992; emergency amendment in R93-12 at 17 Ill. Reg. 8295, effective May 24, 1993, for a maximum of 150 days; amended in R93-9 at 17 Ill. Reg. 16918, effective September 27, 1993 and October 21, 1993; amended in R93-28 at 18 Ill. Reg. 4242, effective March 3, 1994; amended in R94-12 at 18 Ill. Reg. 14987, effective September 21, 1994; amended in R94-15 at 18 Ill. Reg. 16415, effective October 25, 1994; amended in R94-16 at 18 Ill. Reg. 16980, effective November 15, 1994; emergency amendment in R95-10 at 19 Ill. Reg. 3059, effective February 28, 1995, for a maximum of 150 days; amended in R94-21, R94-31 and R94-32 at 19 Ill. Reg. 6958, effective May 2, 1995; amended in R94-33 at 19 Ill. Reg. 7385, effective May 22, 1995; amended in R96-2 at 20 Ill. Reg. 3848, effective February 15, 1996; amended in R96-13 at 20 Ill. Reg. 14462, effective OCT 28 1996.

BOARD NOTE: This Part implements the Illinois Environmental Protection Act as of July 1, 1994.

NOTE: In this Part, superscript numbers or letters are denoted by parentheses, subscript are denoted by brackets, and SUM means the summation series or sigma function as used in mathematics.

## SUBPART A: GENERAL PROVISIONS

## Section 219.108 Exemptions, Variations, and Alternative Means of Control or Compliance Determinations

Notwithstanding the provisions of any other Sections of this Part:

- a) Any exemptions, variations or alternatives to the control requirements, emission limitations, or test methods set forth in this Part shall be effective only when approved by the Agency and approved by the USEPA as a SIP revision.
- b) Any equivalent alternative control plans, equivalent device, or other equivalent practice authorized by the Agency where this Part provides for such alternative or equivalent practice or equivalent variations or alterations to test methods approved by the Agency shall be effective only when included in a federally enforceable permit or approved as a SIP revision.



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 20 Ill. Reg. 14462, effective OCT 28 1996)

## Section 219.110 Vapor Pressure of Organic Material or Solvent

a) If the organic material or solvent consists of only a single compound, the vapor pressure shall be determined by ASTM Method D2879-86 (incorporated by reference in Section 219.112 of this Part) or the vapor pressure may be obtained from a publication such as: Boublik, T., V. Fried and E. Hala, "The Vapor Pressure of Pure Substances," Elsevier Scientific Publishing Co., New York (1973); Perry's Chemical Engineer's Handbook, McGraw-Hill Book Company (1984); CRC Handbook of Chemistry and Physics, Chemical Rubber Publishing Company (1986-87); and Lange's Handbook of Chemistry, John A. Dean, editor, McGraw-Hill Book Company (1985).

b) If the organic material or solvent is in a mixture made up of both organic material compounds and compounds which are not organic material, the vapor pressure shall be determined by the following equation:

$$P[\text{om}] = \frac{\sum_{i=1}^n P[i]X[i]}{\sum_{i=1}^n X[i]}$$

where:

$P[\text{om}]$  = Total vapor pressure of the portion of the mixture which is composed of organic material;

$n$  = Number of organic material components in the mixture;

$i$  = Subscript denoting an individual component;

$P[i]$  = Vapor pressure of an organic material component determined in accordance with subsection (a) of this Section;

$X[i]$  = Mole fraction of the organic material component of the total organic mixture.

c) If the organic material or solvent is in a mixture made up only of organic material compounds, the vapor pressure shall be determined by ASTM Method D2879-86 (incorporated by reference in Section 219.112 of this Part) or by the above equation.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 20 Ill. Reg. 14462, effective OCT 28 1996)

## Section 219.111 Vapor Pressure of Volatile Organic Material

a) If the VOM consists of only a single compound, the vapor pressure shall be determined by ASTM Method D2879-86 (incorporated by reference in Section 219.112 of this Part) or the vapor pressure may be obtained from a publication such as: Boublik, T., B. Fried and E. Hala, "The Vapor Pressure of Pure Substances," Elsevier Scientific Publishing Co., New York (1973); Perry's Chemical Engineer's Handbook, McGraw-Hill Book Company (1984); CRC Handbook of Chemistry and Physics, Chemical Rubber Publishing Company (1986-87); and Lange's Handbook of Chemistry, John A. Dean, editor, McGraw-Hill Book Company (1985).

b) If the VOM is in a mixture made up of both VOM compounds and compounds which are not VOM, the vapor pressure shall be determined by the following equation:

$$P[\text{vom}] = \frac{\sum_{i=1}^n P[i]X[i]}{\sum_{i=1}^n X[i]}$$

where:

$P[\text{vom}]$  = Total vapor pressure of the portion of the mixture which is composed of VOM;

$n$  = Number of VOM components in the mixture;

$i$  = Subscript denoting an individual component;

$P[i]$  = Vapor pressure of a VOM component determined in accordance with subsection (a) of this Section;

$X[i]$  = Mole fraction of the VOM component of the total organic mixture.

c) If the VOM is in a mixture made up on only VOM compounds, the vapor pressure shall be determined by ASTM Method D2879-86 (incorporated by reference in Section 219.112 of this Part) or by the above equation.

(Source: Amended at 20 Ill. Reg. 14462, effective OCT 28 1996)

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## Section 219.208 Exemptions From Emission Limitations

- a) Exemptions for all coating categories except wood furniture coating. The limitations of this Subpart shall not apply to coating lines within a source, that otherwise would be subject to the same subsection of Section 219.204 (because they belong to the same coating category, e.g., can coating), provided that combined actual emissions of VOM from all lines at the source subject to that subsection never exceed 6.8 kg/day (15 lbs/day) before the application of capture systems and control devices. (For example, can coating lines within a source would not be subject to the limitations of Section 219.204(b) of this Subpart if the combined actual emissions of VOM from the can coating lines never exceed 6.8 kg/day (15 lbs/day) before the application of capture systems and control devices.) Volatile organic material emissions from heavy off-highway vehicle products coating lines must be combined with VOM emissions from miscellaneous metal parts and products coating lines to determine applicability. Any owner or operator of a coating source shall comply with the applicable coating analysis test methods and procedures specified in Section 219.105(a) of this Part and the recordkeeping and reporting requirements specified in Section 219.211(a) of this Subpart if total VOM emissions from the subject coating lines are always less than or equal to 6.8 kg/day (15 lbs/day) before the application of capture systems and control devices and, therefore, are not subject to the limitations of Section 219.204 of this Subpart. Once a category of coating lines at a source is subject to the limitations in Section 219.204 of this Part the coating lines are always subject to the limitations in Section 219.204 of this Subpart.
- b) Applicability for wood furniture coating
- 1) The limitations of this Subpart shall apply to a source's wood furniture coating lines if the source contains process emission units, not regulated by Subparts B, E, F (excluding Section 219.204(l) of this Subpart), H (excluding Section 219.405 of this Part), Q, R, S, T (excluding Section 219.486 of this Part), V, X, Y, Z or BB of this Part, which as a group both:
    - A) Have a maximum theoretical emissions of 91 Mg (100 tons) or more per calendar year of VOM if no air pollution control equipment were used, and
    - B) Are not limited to less than 91 Mg (100 tons) of VOM per calendar year if no air pollution control equipment were used, through production or capacity limitations contained in a federally enforceable permit or SIP revision.
  - 2) The limitations of this Subpart shall apply to a source's wood furniture coating lines, on and after March 15, 1996, if the source contains process emission units, which as a group, have a potential to emit 22.7 Mg (25 tons) or more of VOM per calendar year and have not limited emissions to less than 22.7 Mg (25 tons) of VOM per calendar year through production or capacity

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

limitations contained in a federally enforceable operating permit or as a SIP revision, and which:

- A) Are not regulated by Subparts B, E, F (excluding Section 219.204(l) of this Subpart), H, Q, R, S, T (excluding Section 219.486 of this Part), V, X, Y, Z or BB of this Part; and
  - B) Are not included in any of the following categories: synthetic organic chemical manufacturing industry (SOCMI) distillation, SOCMI reactors, plastic parts coating (business machines), plastic parts coating (other), offset lithography, industrial wastewater, autobody refinishing, SOCMI batch processing, volatile organic liquid storage tanks and clean-up solvents operations.
- 3) If a source ceases to fulfill the criteria of subsections (b)(1) or (b)(2) of this Section, the limitations of Section 219.204(l) of this Subpart shall continue to apply to any wood furniture coating line which was ever subject to the limitations of Section 219.204(l) of this Subpart.
  - 4) For the purposes of subsection (b) of this Section, an emission unit shall be considered to be regulated by a Subpart if it is subject to the limitations of that Subpart. An emission unit is not considered regulated by a Subpart if it is not subject to the limits of that Subpart, e.g., the emission unit is covered by an exemption in the Subpart or the applicability criteria of the Subpart are not met.
  - 5) Any owner or operator of a wood furniture coating line to which the limitations of this Subpart are not applicable due to the criteria in subsection (b) of this Section shall, upon request by the Agency or the USEPA, submit records to the Agency and the USEPA within 30 calendar days from the date of the request that document that the coating line is exempt from the limitations of this Subpart.
- c) On and after March 15, 1996, the limitations of this Subpart shall not apply to touch-up and repair coatings used by a coating source described by subsections 219.204(b), (d), (f), (g), (i), (j), (m) and (n) of this Subpart; provided that the source-wide volume of such coatings used does not exceed 0.95 l (1 quart) per eight-hour period or exceed 209 l/yr (55 gal/yr) for any rolling twelve month period. Recordkeeping and reporting for touch-up and repair coatings shall be consistent with subsection (d) of this Section. Section--219.211(b)(4) of this Subpart.
  - d) On and after March 15, 1996, the owner or operator of a coating line or a group of coating lines using touch-up and repair coatings that are exempted from the limitations of Section 219.204(b), (d), (f), (g), (i), (j), (m) and (n) of this Subpart because of the provisions of Section 219.208(c) of this Subpart shall:
    - 1) Collect and record the name, identification number, and volume used of each touch-up and repair coating, as applied on each



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- coating line, per eight-hour period and per month;
- 2) Perform calculations on a daily basis, and maintain at the source records of such calculations of the combined volume of touch-up and repair coatings used source-wide for each eight-hour period;
  - 3) Perform calculations on a monthly basis, and maintain at the source records of such calculations of the combined volume of touch-up and repair coatings used source-wide for the month and the rolling twelve month period;
  - 4) Prepare and maintain at the source an annual summary of the information required to be compiled pursuant to subsections (d)(1) and (d)(2) ~~of this Section~~ ~~of this Subpart~~ of this Section on or before January 31 of the following year;
  - 5) Maintain at the source for a minimum period of three years all records required to be kept under this subsection and make such records available to the Agency upon request;
  - 6) Notify the Agency in writing if the use of touch-up and repair coatings at the source ever exceeds a volume of 0.95 l (1 quart) per eight-hour period or exceeds 209 l/yr (55 gal/yr) for any rolling twelve month period within 30 days after any such exceedance. Such notification shall include a copy of any records of such exceedance; and
  - 7) "Touch-up and repair coatings" means, for purposes of 35 Ill. Adm. Code 219.208, any coating used to cover minor scratches and nicks that occur during manufacturing and assembly processes.

(Source: Amended at 20 Ill. Reg. 14462, effective OCT 28 1996)

## SUBPART Q: SYNTHETIC ORGANIC CHEMICAL AND POLYMER MANUFACTURING PLANT

## Section 219.431 Applicability

- a) The provisions of Sections 219.431 through 219.436 of this Subpart shall apply to every owner or operator of any chemical manufacturing process unit that manufactures, as a primary product, one or more of the chemicals listed in Appendix A of this Part and that chemical manufacturing process unit causes or allows any reactor or distillation unit, either individually or in tandem, to discharge one or more process vent streams either directly to the atmosphere or to a recovery system.
- b) Notwithstanding subsection (a) of this Section, the control requirements set forth within Section 219.432 of this Subpart shall not apply to the following:
  - 1) Any process vent stream with a total resource effectiveness (TRE) index value greater than 1.0. However, such process vent stream remains subject to the performance testing requirements contained in Section 219.433 of this Subpart and the reporting and recordkeeping requirements contained in Section 219.435 of this

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- Subpart;
- 2) Any reactor or distillation unit that is designed and operated as a batch operation;
  - 3) Any reactor or distillation unit that is part of a polymer manufacturing operation;
  - 4) Any reactor or distillation unit that is part of the chemical manufacturing process unit with a total design capacity of less than 1 gigagram (1,100 tons) per year for all chemicals produced, as a primary product, within that process unit. However, such operations remain subject to the reporting and recordkeeping requirements contained in Section 219.435(d) of this Subpart; or
  - 5) Any vent stream with a flow rate less than 0.0085 scm/min or a total VOM concentration, less methane and ethane, of less than 500 ppmv as measured by Method 18, or a concentration of VOM of less than 250 ppmv as measured by Method 25A. However, such operations remain subject to the performance testing requirement listed in Section 219.433 of this Subpart, as well as the reporting and recordkeeping requirements contained in Section 219.435 of this Subpart; or
  - 6) Any reactor or distillation unit included within an Early Reduction Program, as specified in 40 CFR 63, and published in 57 Fed. Reg. 61970 (December 29, 1992) (October-22-1993), evidenced by a timely enforceable commitment approved by USEPA.

(Source: Amended at 20 Ill. Reg. 14462, effective OCT 28 1996)

## Section 219.434 Monitoring Requirements

- a) The owner or operator of a source subject to the control requirements in Section 219.432 of this Subpart that uses an incinerator to comply with the VOM emission limitation specified in Section 219.432(a)(1) shall install, calibrate, maintain, and operate, according to manufacturer's specifications, a temperature monitoring device equipped with a continuous recorder and having an accuracy of  $\pm 1$  percent of the temperature measured expressed in degrees Celsius, or  $\pm 0.5^\circ\text{C}$ , whichever is greater.
  - 1) Where an incinerator other than a catalytic incinerator is used, a temperature monitoring device shall be installed in the firebox.
  - 2) Where a catalytic incinerator is used, temperature monitoring devices shall be installed in the gas stream immediately before and after the catalyst bed.
- b) The owner or operator of a source that uses a flare to comply with Section 219.432(a)(2) of this Subpart shall install, calibrate, maintain, and operate, according to manufacturer's specifications, a heat-sensing device, such as an ultraviolet beam sensor or thermocouple, at the pilot light to indicate continuous presence of a

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- flame.
- c) The owner or operator of a source that uses a boiler or process heater with a design heat input capacity less than 44 megawatts to comply with Section 219.432(a)(1) of this Subpart shall install, calibrate, maintain, and operate, according to the manufacturer's specifications, a temperature monitoring device in the firebox. The monitoring device shall be equipped with a continuous recorder with an accuracy of  $\pm 1$  percent of the temperature being measured expressed in degrees Celsius or  $\pm 0.5^\circ\text{C}$ , whichever is greater. Any boiler or process heater in which all vent streams are introduced with primary fuel is exempt from this requirement.
- d) The owner or operator of a process vent with a TRE index value of 4.0 or less that uses one or more product recovery devices shall install either an organic monitoring device equipped with a continuous recorder or the monitoring equipment specified in subsections (d)(1), (d)(2), (d)(3), or (d)(4) of this Section, depending on the type of recovery device used. All monitoring equipment shall be installed, calibrated, and maintained according to the manufacturer's specifications.
- 1) Where an absorber is the final recovery device in the recovery system, a scrubbing liquid temperature monitoring device and a specific gravity monitoring device, each equipped with a continuous recorder, shall be used.
  - 2) Where a condenser is the final recovery device in the recovery system, a condenser exit (product side) temperature monitoring device equipped with a continuous recorder and having an accuracy of  $\pm 1$  percent of the temperature being monitored expressed in degrees Celsius or  $\pm 0.5^\circ\text{C}$ , whichever is greater.
  - 3) Where a carbon adsorber is the final recovery device in the recovery system, an integrating regeneration steam flow monitoring device having an accuracy of  $\pm 10$  percent, capable of recording the total regeneration steam mass flow for each regeneration cycle; and a carbon bed temperature monitoring device having an accuracy of  $\pm 1$  percent of the temperature being monitored expressed in degrees Celsius of  $\pm 0.5^\circ\text{C}$ , capable of recording the carbon bed temperature after each regeneration and within 15 minutes of completing any cooling cycle.
  - 4) Where a scrubber is used with an incinerator, boiler, or, in the case of halogenated vent streams, a process heater, the following monitoring equipment is required for the scrubber:
    - A) A pH monitoring device equipped with a continuous recorder to monitor the pH of the scrubber effluent; and
    - B) Flow meters equipped with a continuous recorder at the scrubber influent for liquid flow and the scrubber inlet for gas stream flow.
  - e) The owner or operator of a process vent using a vent system that contains bypass lines capable of diverting a vent stream away from the control device associated with a process vent shall comply with either

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- (e)(1) or (e)(2) of this Section. Equipment needed for safety purposes, including, but not limited to, pressure relief devices, are not subject to this subsection.
- 1) The owner or operator shall install, calibrate, maintain, and operate a flow indicator that provides a record of vent stream flow at least once every 15 minutes. The flow indicator shall be installed at the entrance to any bypass line that could divert the vent stream away from the control device to the atmosphere.
  - 2) The owner or operator shall secure the bypass line valve in the closed position with a car-seal or a lock-and-key type configuration. A visual inspection of the seal or closure mechanism shall be performed at least once every month to ensure that the valve is maintained in the closed position and the vent stream is not diverted through the bypass line.
  - f) The owner or operator of a process vent may monitor by an equivalent alternative means or parameters other than those listed in subsections (a) through (d) of this Section. Any equivalent alternative shall be approved by the Agency and USEPA, and contained in the source's operating permit as federally enforceable permit conditions.

(Source: Amended at 20 Ill. Reg. 14462, effective OCT 28 1996)

## Section 219.435 Recordkeeping and Reporting Requirements

- a) Every owner or operator of a reactor or distillation unit with a TRE index value of 4.0 or less shall keep records, for a minimum of 3 years, of the following parameters measured during a performance test or TRE determination required under Section 219.433 of this Subpart, and required to be monitored under Section 219.434 of this Subpart.
  - 1) Every owner or operator of a source that seeks to demonstrate compliance with Section 219.432(a)(1) of this Subpart through the use of either a thermal or catalytic incinerator shall maintain records of the following:
    - A) The average firebox temperature of the incinerator (or the average temperature upstream and downstream of the catalyst bed for a catalytic incinerator), measured at least every 15 minutes and averaged over the same time period of the performance testing; and
    - B) The percent reduction of VOM determined as specified in Section 219.433(c) of this Subpart achieved by the incinerator, or the concentration of VOM (ppmv, by compound) determined as specified in Section 219.433(c) of this Subpart at the outlet of the control device, on a dry basis, corrected to 3 percent oxygen.
  - 2) Every owner or operator of a source that seeks to demonstrate compliance with Section 219.432(a)(1) of this Subpart through the use of a boiler or process heater shall maintain the records





## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

categories:--synthetic-organic-chemical-manufacturing--industry (SOEMI)--distillation--SOEMI--reactors--wood-furniture-coating plastic-parts-coating (business-machines)--plastic-parts--coating (other)--offset--lithography--industrial--wastewater--autobody refinishing--SOEMI--batch--processing--volatile--organic-liquid storage--tanks--and--clean-up--solvents--operations.

c) Every owner or operator of a source which has limited its potential to emit below 22.7 Mg (50 tons) of VOM per year as specified in subsection (b) of this Section through federally enforceable permit conditions is not required to comply with this Subpart.

d) Every owner or operator of a bakery oven which is exempt from the control requirements of this Subpart because of the criteria in subsection (b) of this Section remains subject to the recordkeeping and reporting requirements of Section 219.728(b) of this Subpart, and the certification requirements in Section 219.730(d) of this Subpart.

**14462**

(Source: Repealed at 20 Ill. Reg. effective

**OCT 26 1996**)

## Section 219.722 Control Requirements (Repealed)

a) Every owner or operator of a source subject to the control requirements of this Subpart shall comply with the requirements of subsection (a)(1) or (a)(2) of this Section for each bakery oven with a rated heat input capacity of at least 2 mmBtu/hr or at least 586 kW:

1) Operate emissions capture and control equipment which achieves an overall reduction in uncontrolled VOM emissions of at least 81 percent from each such bakery oven; or

2) Provide an equivalent alternative control plan for such bakery ovens at the source which has been approved by the Agency and USBPA through federally enforceable permit conditions or as a SIP revision;

b) An owner or operator of a source subject to the control requirements of this Subpart may elect to exempt from the control requirements in subsections (a)(1) or (a)(2) and (c)(1) or (c)(2) of this Section any bakery oven with actual VOM emissions less than or equal to 15 ppv, provided that the total actual VOM emissions from all such exempt bakery ovens never exceeds 25 ppv.

c) Notwithstanding the requirements in subsection (a) of this Section until March 15, 1998 only, a source may elect to comply with the control requirements in subsection (c)(1) or (c)(2) of this Section rather than the control requirements in subsection (a)(1) or (a)(2) of this Section if all emission units at the source, in the aggregate excluding emission units regulated by Subparts B, C, D, E, F, G, H (excluding Section 219.405 of this Subpart), J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, AB, AC, AD, AE, AF, AG, AH, AI, AJ, AK, AL, AM, AN, AO, AP, AQ, AR, AS, AT, AU, AV, AW, AX, AY, AZ, BA, BB, BC, BD, BE, BF, BG, BH, BI, BJ, BK, BL, BM, BN, BO, BP, BQ, BR, BS, BT, BU, BV, BW, BX, BY, BZ, CA, CB, CC, CD, CE, CF, CG, CH, CI, CJ, CK, CL, CM, CN, CO, CP, CQ, CR, CS, CT, CU, CV, CW, CX, CY, CZ, DA, DB, DC, DD, DE, DF, DG, DH, DI, DJ, DK, DL, DM, DN, DO, DP, DQ, DR, DS, DT, DU, DV, DW, DX, DY, DZ, EA, EB, EC, ED, EE, EF, EG, EH, EI, EJ, EK, EL, EM, EN, EO, EP, EQ, ER, ES, ET, EU, EV, EW, EX, EY, EZ, FA, FB, FC, FD, FE, FF, FG, FH, FI, FJ, FK, FL, FM, FN, FO, FP, FQ, FR, FS, FT, FU, FV, FW, FX, FY, FZ, GA, GB, GC, GD, GE, GF, GG, GH, GI, GJ, GK, GL, GM, GN, GO, GP, GQ, GR, GS, GT, GU, GV, GW, GX, GY, GZ, HA, HB, HC, HD, HE, HF, HG, HH, HI, HJ, HK, HL, HM, HN, HO, HP, HQ, HR, HS, HT, HU, HV, HW, HX, HY, HZ, IA, IB, IC, ID, IE, IF, IG, IH, II, IJ, IK, IL, IM, IN, IO, IP, IQ, IR, IS, IT, IU, IV, IW, IX, IY, IZ, JA, JB, JC, JD, JE, JF, JG, JH, JI, JJ, JK, JL, JM, JN, JO, JP, JQ, JR, JS, JT, JU, JV, JW, JX, JY, JZ, KA, KB, KC, KD, KE, KF, KG, KH, KI, KJ, KK, KL, KM, KN, KO, KP, KQ, KR, KS, KT, KU, KV, KW, KX, KY, KZ, LA, LB, LC, LD, LE, LF, LG, LH, LI, LJ, LK, LL, LM, LN, LO, LP, LQ, LR, LS, LT, LU, LV, LW, LX, LY, LZ, MA, MB, MC, MD, ME, MF, MG, MH, MI, MJ, MK, ML, MM, MN, MO, MP, MQ, MR, MS, MT, MU, MV, MW, MX, MY, MZ, NA, NB, NC, ND, NE, NF, NG, NH, NI, NJ, NK, NL, NM, NN, NO, NP, NQ, NR, NS, NT, NU, NV, NW, NX, NY, NZ, OA, OB, OC, OD, OE, OF, OG, OH, OI, OJ, OK, OL, OM, ON, OO, OP, OQ, OR, OS, OT, OU, OV, OW, OX, OY, OZ, PA, PB, PC, PD, PE, PF, PG, PH, PI, PJ, PK, PL, PM, PN, PO, PP, PQ, PR, PS, PT, PU, PV, PW, PX, PY, PZ, QA, QB, QC, QD, QE, QF, QG, QH, QI, QJ, QK, QL, QM, QN, QO, QP, QQ, QR, QS, QT, QU, QV, QW, QX, QY, QZ, RA, RB, RC, RD, RE, RF, RG, RH, RI, RJ, RK, RL, RM, RN, RO, RP, RQ, RR, RS, RT, RU, RV, RW, RX, RY, RZ, SA, SB, SC, SD, SE, SF, SG, SH, SI, SJ, SK, SL, SM, SN, SO, SP, SQ, SR, SS, ST, SU, SV, SW, SX, SY, SZ, TA, TB, TC, TD, TE, TF, TG, TH, TI, TJ, TK, TL, TM, TN, TO, TP, TQ, TR, TS, TT, TU, TV, TW, TX, TY, TZ, UA, UB, UC, UD, UE, UF, UG, UH, UI, UJ, UK, UL, UM, UN, UO, UP, UQ, UR, US, UT, UY, UZ, VA, VB, VC, VD, VE, VF, VG, VH, VI, VJ, VK, VL, VM, VN, VO, VP, VQ, VR, VS, VT, VY, VZ, WA, WB, WC, WD, WE, WF, WG, WH, WI, WJ, WK, WL, WM, WN, WO, WP, WQ, WR, WS, WT, WY, WZ, XA, XB, XC, XD, XE, XF, XG, XH, XI, XJ, XK, XL, XM, XN, XO, XP, XQ, XR, XS, XT, XU, XV, XW, XX, XY, XZ, YA, YB, YC, YD, YE, YF, YG, YH, YI, YJ, YK, YL, YM, YN, YO, YP, YQ, YR, YS, YT, YZ, ZA, ZB, ZC, ZD, ZE, ZF, ZG, ZH, ZI, ZJ, ZK, ZL, ZM, ZN, ZO, ZP, ZQ, ZR, ZS, ZT, ZY, ZZ.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

per year or are limited to less than 90.7 Mg (100 tons) of VOM emissions per calendar year in the absence of air pollution control equipment through production or capacity limitations contained in federally enforceable permit conditions or in a SIP revision:

1) Operate emissions capture and control equipment which achieves an overall reduction in uncontrolled VOM emissions of at least 60 percent from each bakery oven with a rated heat input capacity of at least 2 mmBtu/hr or at least 586 kW; or

2) Provide an equivalent alternative control plan for such bakery ovens at the source which has been approved by the Agency and USBPA through federally enforceable permit conditions or as a SIP revision;

d) Any bakery oven that becomes subject to the requirements of this Subpart at any time shall remain subject to the requirements of this Subpart at all times thereafter.

(Source: Repealed at 20 Ill. Reg. **14462**, effective

**OCT 28 1996**)

## Section 219.726 Testing (Repealed)

a) Upon request by the Agency, the owner or operator of a bakery oven shall, at its own expense, conduct such tests in accordance with the applicable test methods and procedures specified in Section 219.105(f) of this Part to demonstrate compliance with the control requirements of this Subpart and shall:

1) Notify the Agency 30 days prior to conducting such tests; and

2) Submit all test results to the Agency within 45 days after conducting such tests;

b) Nothing in this Section shall limit the authority of USBPA pursuant to the Clean Air Act (CAA) to require testing or shall affect the authority of USBPA under Section 114 of the CAA (42 U.S.C. 7414 (1990)).

(Source: Repealed at 20 Ill. Reg. **14462**, effective

**OCT 28 1996**)

## Section 219.727 Monitoring (Repealed)

a) Every owner or operator of a bakery oven subject to the control requirements of this Subpart shall install and operate at all times a device to continuously monitor the following parameters for each type of control device as follows:

1) For catalytic oxidizers, the inlet and outlet temperatures of the oxidizer;

2) For regenerative oxidizers, the temperature in the combustion chamber; or

3) For thermal incinerators, the temperature in the combustion



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## chamber:

- b) The owner or operator may monitor with an alternative method or monitor other parameters if approved by the Agency and USEPA through federally enforceable permit conditions or as a SIP revision.

(Source: Repealed at 20 Ill. Reg. 14462, effective  
OCI 2.8.1996)

## Section 219.728 Recordkeeping and Reporting (Repealed)

- a) Every owner or operator of a bakery oven shall maintain the following records for the most recent consecutive 3-year period for all bakery ovens subject to the control requirements of this Subpart. Such records shall be made available to the Agency immediately upon request:

- 1) Parameters for control devices as monitored pursuant to Section 219.727 of this Subpart;
- 2) Hrs/day of operation of each bakery oven;
- 3) Factors necessary to calculate VOM emissions for all bakery ovens including but not limited to type of dough used for each yeast-leavened baked product, initial yeast percentage for each product, total fermentation time for each product, any additional percentage of yeast added, and the fermentation time of any additional yeast;
- 4) Calculated daily VOM emissions of each bakery oven expressed as lbs/day;
- 5) Total amount of each type of yeast-leavened bread product produced by each bakery oven expressed as lbs/day;
- b) Every owner or operator of a bakery oven which is exempt from the control requirements of this Subpart because of the criteria in Section 219.720(b) of this Subpart shall maintain records necessary to demonstrate that its potential to emit is less than 22.7-Mg (25 tons) of VOM per year as specified in Section 219.720(b). Such records shall be maintained for the most recent consecutive 3-year period and shall be made available to the Agency immediately upon request.
- c) Every owner or operator of a bakery oven which is exempt from the control requirements of this Subpart because of the criteria specified in Section 219.722(b) of this Subpart shall:
  - 1) Maintain records necessary to demonstrate that the actual VOM emissions from exempt bakery ovens are less than or equal to 15 tpy for each bakery oven and less than or equal to 25 tpy from all exempt bakery ovens combined. Such records shall be maintained for the most recent consecutive 3-year period and shall be made available to the Agency immediately upon request; and
  - 2) Notify the Agency in writing if the actual VOM emissions from an exempt bakery oven ever exceed 15 tpy or the actual VOM emissions from a combination of exempt bakery ovens ever exceed 25 tpy.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- within 30 days after the exceedance occurs. Such notice shall include a copy of all records of the exceedance:

- d) Every owner or operator of a bakery oven which is controlling emissions as provided in Section 219.722(c) of this Subpart until March 15, 1998, shall maintain records necessary to demonstrate that its maximum theoretical emissions as specified in Section 219.722(c) are less than 90.7-Mg (100 tons) of VOM per year. Such records shall be maintained for the most recent consecutive 3-year period and shall be made available to the Agency immediately upon request.

(Source: Repealed at 20 Ill. Reg. 14462, effective  
OCI 2.8.1996)

## Section 219.729 Compliance Date (Repealed)

On and after March 15, 1998, upon initial startup or upon modification, every owner or operator of a source subject to this Subpart shall comply with the requirements of this Subpart.

(Source: Repealed at 20 Ill. Reg. 14462, effective  
OCI 2.8.1996)

## Section 219.730 Certification (Repealed)

- a) Every owner or operator of a source subject to the control requirements of this Subpart shall certify compliance with this Subpart on or before a date consistent with Section 219.729 of this Subpart:
- b) If an owner or operator of a bakery oven subject to the control requirements of this Subpart changes the method of compliance, the owner or operator shall certify compliance with the requirements of this Subpart for the alternative method upon changing the method of compliance:
- c) All certifications of compliance with this Subpart shall include the results of all tests and the calculations performed to demonstrate that each oven at the source is in compliance with or is exempt from the control requirements of this Subpart. The certification shall include the following:
- 1) The name and identification number of each oven and any associated capture and control device;
  - 2) The maximum rated heat input of each oven;
  - 3) A classification of each oven as either a bakery oven as defined in 35 Ill. Adm. Code 211.600 or an oven used exclusively to bake non-yeast-leavened products;
  - 4) The capture and control efficiency of each bakery oven control device;
  - 5) Test reports, calculations and other data necessary to demonstrate that the capture and control efficiency of each

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

bakery oven control device achieves an overall reduction in uncontrolled VOC emissions of at least 81 percent, and 6) The date each bakery oven control device was installed and operating.

d) On or before March 15, 1996, or upon initial startup, every owner or operator of a bakery oven which is exempt from the control requirements of this Subpart because of the criteria in Section 219.720(b) of this Subpart shall certify that its potential to emit is less than 22.7-Mg (25-ton) of VOC per year, as specified in Section 219.720(b).

e) On or before March 15, 1996, or upon initial startup, every owner or operator of a bakery oven which is exempt from the control requirements of this Subpart because of the criteria specified in Section 219.722(b) of this Subpart shall certify that actual VOC emissions from any individual exempt bakery oven never exceed 15 gpy and that VOC emissions from all exempt bakery ovens in the aggregate never exceed 25 gpy.

f) On or before March 15, 1996, or upon initial startup if prior to March 15, 1996, every owner or operator of a bakery oven which is controlling emissions as provided by Section 219.722(c) of this Subpart shall certify that its maximum theoretical emissions as specified in Section 219.722(c) are less than 90.7-Mg (100-ton) of VOC per year.

(Source: Repealed at 20 Ill. Reg. \_\_\_\_\_, effective \_\_\_\_\_)  
OCT 28 1996

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

# Section 219. APPENDIX G TRE Index Measurements for SOCOMI Reactors and Distillation Units

For purposes of Subpart Q, Sections 219.431 through 219.435, the following apply:

a) The following test methods shall be used to determine compliance with the total resource effectiveness ("TRE") index value:

1) Method 1 or 1A, incorporated by reference at Section 219.112 of this Part, as appropriate, for selection of the sampling site.

A) The sampling site for the vent stream molar composition determination and flow rate prescribed in subsections (a)(2) and (a)(3) of this Appendix shall be, except for the situations outlined in subsection (a)(1)(B), after the final recovery device, if a recovery system is present, prior to the inlet of any control device, and prior to any post-reactor or post-distillation unit introduction of halogenated compounds into the vent stream. No traverse site selection method is needed for vents smaller than 10 cm in diameter.

B) If any gas stream other than the reactor or distillation unit vent stream is normally conducted through the final recovery device:

i) The sampling site for vent stream flow rate and molar composition shall be prior to the final recovery device and prior to the point at which any nonreactor or nondistillation unit vent stream or stream from a nonaffected reactor or distillation unit is introduced. Method 18 incorporated by reference at Section 219.112 of this Part, shall be used to measure organic compound concentrations at this site.

ii) The efficiency of the final recovery device is determined by measuring the organic compound concentrations using Method 18, incorporated by reference at Section 219.112 of this Part, at the inlet to the final recovery device after the introduction of all vent streams and at the outlet of the final recovery device.

iii) The efficiency of the final recovery device determined according to subsection (a)(1)(B)(ii) of this Appendix shall be applied to the organic compound concentrations measured according to subsection (a)(1)(B)(i) of this Appendix to determine the concentrations of organic compounds from the final recovery device attributable to the reactor or distillation unit vent stream. The resulting organic compound concentrations are then used to perform the calculations outlined in subsection (a)(4) of this Appendix.



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 2) The molar composition of the vent stream shall be determined as follows:

A) Method 18, incorporated by reference at Section 219.112 of this Part, to measure the concentration of organic compounds including those containing halogens;

B) ASTM D1946-77, incorporated by reference at Section 219.112 of this Part, to measure the concentration of carbon monoxide and hydrogen; and

C) Method 4, incorporated by reference at Section 219.112 of this Part, to measure the content of water vapor.

- 3) The volumetric flow rate shall be determined using Method 2, 2A, 2C, or 2D, incorporated by reference at Section 219.112 of this Part, as appropriate.

- 4) The emission rate of VOM (minus methane and ethane) (E[VOM]) in the vent stream shall be calculated using the following formula:

$$E[VOM] = K[2] \sum_{j=1}^n C[j]M[j] Q[s]$$

where:

E[VOM] = Emission rate of VOM (minus methane and ethane) in the sample, kg/hr.

K[2] = Constant,  $2.494 \times 10^{(-6)}$  (1/ppmv)(g-mole/scm)(kg/g)(min/hr), where standard temperature for (g-mole/scm) is 20° C.

C[j] = Concentration of compound j, on a dry basis, in ppmv as measured by Method 18, incorporated by reference at Section 219.112 of this Part, as indicated in Section 219.433(c)(3) of this Part.

M[j] = Molecular weight of sample j, g/g-mole.

Q[s] = Vent stream flow rate (scm) at a temperature of 20° C.

- 5) The total vent stream concentration (by volume) of compounds containing halogens (ppmv, by compound) shall be summed from the individual concentrations of compounds containing halogens which were measured by Method 18, incorporated by reference at Section 219.112 of this Part.

- 6) The net heating value of the vent stream shall be calculated using the following:

$$H[T] = K[1] \sum_{j=1}^n C[j]H[j] (1-B[ws])$$

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

where:

H[T] = Net heating value of the sample (MJ/scm), where the net enthalpy per mole of vent stream is based on combustion of 25° C and 760 mmHG, but the standard temperature for determining the volume corresponding to one mole is 20° C 25° C--E, as in the definition of Q[s] (vent stream flow rate).

K[1] = Constant,  $1.740 \times 10^{(-7)}$  (ppmv)(-1) (g-mole/scm), (MJ/KCal), where standard temperature for (g-mole/scm) is 20° C.

B[ws] = Water vapor content of the vent stream, proportion by volume; except that if the vent stream passes through a final stream jet and is not condensed, it shall be assumed that B[ws] = 0.023 in order to correct to 2.3 percent moisture.

C[j] = Concentration on a dry basis of compound j in ppmv, as measured for all organic compounds by Method 18, incorporated by reference at Section 219.112 of this Part, and measured for hydrogen and carbon monoxide by using ASTM D1946-77, incorporated by reference at Section 219.112 of this Part.

H[j] = Net heat of combustion of compound j, KCal/g-mole, based on combustion at 25° C and 760 mmHG. The heats of combustion of vent stream components shall be determined using ASTM D2382-83, incorporated by reference at Section 219.112 of this Part, if published values are not available or cannot be calculated.

- b) 1) The TRE index value of the vent shall be calculated using the following:

$$TRE = \frac{1}{E[VOM]} [a + b (Q[s]) + c (H[T]) + d (E[VOM])]$$

where:

TRE = TRE index value.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- E[VOM] = Hourly emission rate of VOM (kg/hr) as calculated in subsection (a)(4) of this Appendix.
- Q[s] = Vent stream flow rate scm/min at a standard temperature of 20° C.
- H[T] = Vent stream net heating value (MJ/scm), as calculated in subsection (a)(6) of this Appendix.
- E[VOM] = Hourly emission rate of VOM (minus methane and ethane), (kg/hr) as calculated in subsection (a)(4) of this Appendix.
- a, b, c, d = Value of coefficients presented below are:

## Value of Coefficients

Type of Stream	Control Device Basis	a	b	c	d
Nonhalogenated	Flare	2.129	0.183	-0.005	0.359
	Thermal incinerator zero (0) Percent heat Recovery	3.075	0.021	-0.037	0.018
	Thermal incinerator 70 Percent heat Recovery	3.803	0.032	-0.042	0.007
Halogenated	Thermal incinerator and scrubber	5.470	0.181	-0.040	0.004

- 2) Every owner or operator of a vent stream shall use the applicable coefficients identified for values a, b, c and d in subsection (b)(1) of this Appendix to calculate the TRE index value based on a flare, a thermal incinerator with zero percent heat recovery, and a thermal incinerator with 70 percent heat recovery, and shall select the lowest TRE index value.
- 3) Every owner or operator of a reactor or distillation unit with a halogenated vent stream, determined as any stream with a total concentration of halogen atoms contained in organic compounds of 200 ppmv or greater, shall use the applicable coefficients identified for values a, b, c and d in subsection (b)(1) of this Appendix to calculate the TRE index value based on a thermal

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- incinerator and scrubber.
- c) Every owner or operator of a source seeking to comply with Section 219.432(b) of this Part shall recalculate the flow rate and VOM concentration for each affected vent stream whenever process changes are made. Examples of process changes include, but are not limited to, changes in production capacity, feedstock type, or catalyst type, or whenever there is replacement, removal, or addition of recovery equipment. The flow rate and VOM concentration shall be recalculated based on test data, or on best engineering estimates of the effects of the change to the recovery system.
- d) Whenever a process change, as defined in Section 219.435(c) of this Subpart, yields a TRE index value of 1.0 or less, the owner or operator shall notify and submit a report to the Agency according to the requirements specified in Section 219.435(c) of this Subpart, within 180 calendar days after the process change and shall conduct a performance test according to the methods and procedures required by Section 219.433 of this Part.
- e) For the purpose of demonstrating that a process vent stream has a VOM concentration below 500 ppmv, the following shall be used:
- 1) The sampling site shall be selected as specified in Section 219.433(c)(1) of this Part.
  - 2) Method 18 or Method 25A of 40 CFR Part 60, Appendix A, incorporated by reference at Section 219.112 of this Part, shall be used to measure concentration; alternatively, any other method or data that has been validated according to the protocol in Method 301 of 40 CFR Part 63, Appendix A, incorporated by reference at Section 219.112 of this Part, may be used.
  - 3) Where Method 18 is used, the following procedures shall be used to calculate ppmv concentration:
    - i) The minimum sampling time for each run shall be 1 hour in which either an integrated sample or four grab samples shall be taken. If grab sampling is used, then the samples shall be taken at approximately equal intervals in time, such as 15 minute intervals during the run.
    - ii) The concentration of VOM shall be calculated using Method 18 according to Section 219.433(c)(4) of this Part.
  - 4) Where Method 25A is used, the following procedures shall be used to calculate ppmv VOM concentration:
    - i) Method 25A shall be used only if a single VOM is greater than 50 percent of total VOM, by volume, in the process vent stream.
    - ii) The vent stream composition may be determined by either process knowledge, test data collected using an appropriate Reference Method or a method of data collection validated according to the protocol in Method 301 of 40 CFR Part 63, Appendix A, incorporated by reference at Section 219.112 of



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

this Part. Examples of information that constitute process knowledge include calculations based on material balances, process stoichiometry, or previous test results provided the results are still relevant to the current process vent stream conditions.

iii) The VOM used as the calibration gas for Method 25A shall be the single VOM present at greater than 50 percent of the total VOM by volume.

iv) The span value for Method 25A shall be 50 ppmv.

v) Use of Method 25A is acceptable if the response from the high-level calibration gas is at least 20 times the standard deviation of the response from the zero calibration gas when the instrument is zeroed on the most sensitive scale.

vi) The concentration of VOM shall be corrected to 3 percent oxygen using the procedures and equation in Section 219.433(c)(3) of this Part.

5) The owner or operator shall demonstrate that the concentration of VOM, including methane and ethane, measured by Method 25A is below 250 ppmv to qualify for the low concentration exclusion in Section 219.431 of this Part.

(Source: Amended at 20 Ill. Reg. 14462, effective 06/28/1996)

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Primary Drinking Water Standards

2) Code citation: 35 Ill. Adm. Code 611

3) Section numbers: Adopted action:

611.100, 611.102, 611.130	Amended
611.212, 611.220, 611.300	Amended
611.301, 611.357, 611.510	Amended
611.526, 611.531, 611.591	Amended
611.600, 611.601, 611.606	Amended
611.611, 611.630, 611.641	Amended
611.645, 611.646, 611.648	Amended
611.683, 611.684, 611.685	Amended
611.687	New Section
611.720, 611.731, 611.732	Amended
611.831, 611.840, 611.851	Amended
611.852, 611.858	Amended
611.870	Repealed
611.App. A, 611.App. B	Amended
611.Table F	Amended

4) Statutory authority: 415 ILCS 5/17, 17.5 and 27.

5) Effective date of amendments: October 22, 1996

6) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? Yes Section 611.102 sets forth all the documents incorporated by reference for the purposes of Part 611 in its entirety. The present amendments update many of the incorporations to correspond with changes in the federal requirements that occurred in the period January 1 through June 30, 1995. The revisions largely affect analytical methods incorporated by reference.

8) Date filed in Board's principal office: Order adopted September 5, 1996 and supplemental opinion and order adopted October 17, 1996.

9) Notice of proposal published in Illinois Register: May 3, 1996, 20 Ill. Reg. 6133

10) Has JCAR issued a Statement of Objections to these rules? No Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] provides that Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 11) Differences between proposal and final version: The Board tabulates the revisions as follows:

Section	Correction
611.100(a), (b) & (e)	Use "USEPA"
611.102(a) "Guidance Manual ..."	Capitalize "Using" in title
611.102(a) "Guidance Manual ...", "USEPA Asbestos Methods-100.1", "USEPA Asbes- tos Methods-100.2", "USEPA Environmental Inorganics Methods", "USEPA Environmental Metals Methods", "USEPA Organic Methods", "USEPA Technical Notes"	Use "USEPA"
611.102(b) "NTIS" & "United States Environmental Protection Agency, EMSL" methods listings, "USEPA, Science and Technology Branch" heading	Use "USEPA"
611.130(e)(6)	Add "BOARD NOTE:"
611.510(a)(2)	Correct spelling of "application"
611.526(c)	Correct spelling of "hold"
611.526(f)(2)	Use lower case for "agar"
611.526(h)	Correct spelling of "incorporations"
611.531 preamble	Change "Only the analytical method(s) specified in this Section may be used to demonstrate compliance with the requirements of Subpart B." to read "The analytical method(s) specified in this Section must be used to demonstrate compliance with the requirements of only 611.Subpart B; they do not

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

apply to analyses performed for the purposes of Sections 611.521 through 611.527 of this Subpart."

611.531(a)(2)(A) & (a)(2)(B) Board Notes	Added "for source (raw) water samples required by Sections 611.521 and 611.532 and 611.Subpart B only"
611.641(d) Board note	Use "USEPA"
611.645 preamble	Use "USEPA"
611.646(n), (p) & (q)	Use "USEPA"
611.687(c)(1)	Change "it" to "if"

- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreement letter issued by JCAR? Section 17.5 of the Environmental Protection Act [415 ILCS 5/17.5] provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

- 13) Will these amendments replace emergency amendments currently in effect?  
NO

- 14) Are there any other amendments pending on this Part? No

- 15) Summary and purpose of amendments: A more detailed description is contained in the Board's opinion of September 5, 1996 and supplemental opinion and order of October 17, 1996 in R95-17, which Opinion is available from the address below. Section 17.5 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

The R95-17 proceeding updates the Board's SDWA rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period January 1 through June 30, 1995. During this period, USEPA undertook the following actions with regard to the federal rules:

60 Fed. Reg. 33658 (June 28, 1995)	(Revisions to State Privacy Provisions)
60 Fed. Reg. 33926 (June 29, 1995)	(Deletion of Obsolete,



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

Redundant, and Out-Dated  
Rules)

(Analytical Methods  
Technical Corrections)

60 Fed. Reg. 34084 (June 29, 1995)

The amendments to the state primacy provisions, adopted by USEPA on June 28, 1995, amended the provisions for withdrawal of federal authorization of a state's SDWA program. None of the USEPA amendments affected the actual state program requirements, so no Board action was necessary beyond noting the federal action. The deletion of obsolete, redundant, and out-dated rules on June 29, 1995 included revisions to elements of the federal rules that have counterparts in the Illinois regulations. Amendments resulted to the Illinois rules from those federal amendments. The analytical methods amendments of June 29, 1995 corrected minor errors in the analytical methods amendments of December 5, 1994 (59 Fed. Reg. 1994), adopted by the Board in consolidated docket R94-24/R95-3 on June 15, 1995, and in the July 17, 1992 (57 Fed. Reg. 31776) federal Phase V rules, adopted by the Board in docket R93-1 on July 13, 1993. The June 29, 1993 analytical methods corrections were the major source of the Board actions involved in this proceeding.

Board action was further required by a comment filed March 1, 1996 by the Agency. That comment highlighted various errors and inconsistencies in the text of all of the Subtitle F regulations (including the groundwater protection and groundwater quality rules). The Agency requested numerous corrections to the text of the rules. Further discussion of this request and a detailed outline of the corrections appear below on pages 5 through 13 of this discussion.

16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge  
Attorney  
Illinois Pollution Control Board  
100 W. Randolph, 11-500  
Chicago, IL 60601  
312-814-6924

Request copies of the Board's opinion and order of September 5, 1996 and supplemental opinion and order of October 17, 1995 from Victoria Agyeman, at 312-814-3620.

The full text of the adopted amendments begins on the next page:

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION  
SUBTITLE F: PUBLIC WATER SUPPLIES  
CHAPTER I: POLLUTION CONTROL BOARD

## PART 611

## PRIMARY DRINKING WATER STANDARDS

## SUBPART A: GENERAL

Section	Purpose, Scope and Applicability
611.100	Definitions
611.101	Incorporations by Reference
611.102	Severability
611.103	Agency Inspection of PWS Facilities
611.107	Delegation to Local Government
611.108	Enforcement
611.109	Special Exception Permits
611.110	Section 1415 Variances
611.111	Section 1416 Variances
611.112	Alternative Treatment Techniques
611.113	Siting Requirements
611.114	Source Water Quantity
611.115	Effective dates
611.120	Maximum Containment Levels and Finished Water Quality
611.121	Fluoridation Requirement
611.125	Prohibition on Use of Lead
611.126	Special Requirements for Certain Variances and Adjusted Standards
611.130	

## SUBPART B: FILTRATION AND DISINFECTION

Section	Requiring a Demonstration
611.201	Procedures for Agency Determinations
611.202	Filtration Required
611.211	Groundwater under Direct Influence of Surface Water
611.212	No Method of HPC Analysis
611.213	General Requirements
611.220	Filtration Effective Dates
611.230	Source Water Quality Conditions
611.231	Site-specific Conditions
611.232	Treatment Technique Violations
611.233	Disinfection
611.240	Unfiltered PWSs
611.241	Filtered PWSs
611.242	Filtration
611.250	Unfiltered PWSs: Reporting and Recordkeeping
611.261	Filtered PWSs: Reporting and Recordkeeping
611.262	

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

611.271 Protection during Repair Work  
611.272 Disinfection following Repair

## SUBPART C: USE OF NON-CENTRALIZED TREATMENT DEVICES

Section  
611.280 Point-of-Entry Devices  
611.290 Use of Point-of-Use Devices or Bottled Water

## SUBPART D: TREATMENT TECHNIQUES

Section  
611.295 General Requirements  
611.296 Acrylamide and Epichlorohydrin  
611.297 Corrosion Control

## SUBPART F: MAXIMUM CONTAMINANT LEVELS (MCL's)

Section  
611.300 Old MCLs for Inorganic Chemicals  
611.301 Revised MCLs for Inorganic Chemicals  
611.310 Old MCLs for Organic Chemicals  
611.311 Revised MCLs for Organic Contaminants  
611.320 Turbidity  
611.325 Microbiological Contaminants  
611.330 Radium and Gross Alpha Particle Activity  
611.331 Beta Particle and Photon Radioactivity

## SUBPART G: LEAD AND COPPER

Section  
611.350 General Requirements  
611.351 Applicability of Corrosion Control  
611.352 Corrosion Control Treatment  
611.353 Source Water Treatment  
611.354 Lead Service Line Replacement  
611.355 Public Education and Supplemental Monitoring  
611.356 Tap Water Monitoring for Lead and Copper  
611.357 Monitoring for Water Quality Parameters  
611.358 Monitoring for Lead and Copper in Source Water  
611.359 Analytical Methods  
611.360 Reporting  
611.361 Recordkeeping

## SUBPART K: GENERAL MONITORING AND ANALYTICAL REQUIREMENTS

Section  
611.480 Alternative Analytical Techniques

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

611.490 Certified Laboratories  
611.491 Laboratory Testing Equipment  
611.500 Consecutive PWSs  
611.510 Special Monitoring for Unregulated Contaminants

## SUBPART L: MICROBIOLOGICAL MONITORING AND ANALYTICAL REQUIREMENTS

Section  
611.521 Routine Coliform Monitoring  
611.522 Repeat Coliform Monitoring  
611.523 Invalidation of Total Coliform Samples  
611.524 Sanitary Surveys  
611.525 Fecal Coliform and E. Coli Testing  
611.526 Analytical Methodology  
611.527 Response to Violation  
611.531 Analytical Requirements  
611.532 Unfiltered PWSs  
611.533 Filtered PWSs

## SUBPART M: TURBIDITY MONITORING AND ANALYTICAL REQUIREMENTS

Section  
611.560 Turbidity

## SUBPART N: INORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

Section  
611.591 Violation of State MCL  
611.592 Frequency of State Monitoring  
611.600 Applicability  
611.601 Monitoring Frequency  
611.602 Asbestos Monitoring Frequency  
611.603 Inorganic Monitoring Frequency  
611.604 Nitrate Monitoring  
611.605 Nitrite Monitoring  
611.606 Confirmation Samples  
611.607 More Frequent Monitoring and Confirmation Sampling  
611.608 Additional Optional Monitoring  
611.609 Determining Compliance  
611.610 Inorganic Monitoring Times  
611.611 Inorganic Analysis  
611.612 Monitoring Requirements for Old Inorganic MCLs  
611.630 Special Monitoring for Sodium  
611.631 Special Monitoring for Inorganic Chemicals

## SUBPART O: ORGANIC MONITORING AND ANALYTICAL REQUIREMENTS



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

611.640 Definitions  
 611.641 Old MCLs  
 611.645 Analytical Methods for Organic Chemical Contaminants  
 611.646 Phase I, Phase II, and Phase V Volatile Organic Contaminants  
 611.647 Sampling for Phase I Volatile Organic Contaminants (Repealed)  
 611.648 Phase II, Phase IIB, and Phase V Synthetic Organic Contaminants  
 611.650 Monitoring for 36 Contaminants (Repealed)  
 611.657 Analytical Methods for 36 Contaminants (Repealed)  
 611.658 Special Monitoring for Organic Chemicals

## SUBPART P: THM MONITORING AND ANALYTICAL REQUIREMENTS

Section  
 611.680 Sampling, Analytical and other Requirements  
 611.683 Reduced Monitoring Frequency  
 611.684 Averaging  
 611.685 Analytical Methods  
 611.686 Modification to System  
 611.687 Sampling for THM Potential

## SUBPART Q: RADIOLOGICAL MONITORING AND ANALYTICAL REQUIREMENTS

Section  
 611.720 Analytical Methods  
 611.731 Gross Alpha  
 611.732 Manmade Radioactivity

## SUBPART T: REPORTING, PUBLIC NOTIFICATION AND RECORDKEEPING

Section  
 611.830 Applicability  
 611.831 Monthly Operating Report  
 611.832 Notice by Agency  
 611.833 Cross Connection Reporting  
 611.840 Reporting  
 611.851 Reporting MCL and other Violations  
 611.852 Reporting other Violations  
 611.853 Notice to New Billing Units  
 611.854 General Content of Public Notice  
 611.855 Mandatory Health Effects Language  
 611.856 Fluoride Notice  
 611.858 Fluoride Secondary Standard  
 611.860 Record Maintenance  
 611.870 List of 36 Contaminants

APPENDIX A Mandatory Health Effects Information  
 APPENDIX B Percent Inactivation of G. Lamblia Cysts  
 APPENDIX C Common Names of Organic Chemicals

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

APPENDIX D Defined Substrate Method for the Simultaneous Detection of Total Coliforms and Eschericia Coli from Drinking Water  
 APPENDIX E Mandatory Lead Public Education Information  
 TABLE A Total Coliform Monitoring Frequency  
 TABLE B Fecal or Total Coliform Density Measurements  
 TABLE C Frequency of RDC Measurement  
 TABLE D Number of Lead and Copper Monitoring Sites  
 TABLE E Lead and Copper Monitoring Start Dates  
 TABLE F Number of Water Quality Parameter Sampling Sites  
 TABLE G Summary of Monitoring Requirements for Water Quality Parameters  
 TABLE Z Federal Effective Dates

AUTHORITY: Implementing Sections 17 and 17.5 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/17, 17.5 and 27].

SOURCE: Adopted in R88-26 at 14 Ill. Reg. 16517, effective September 20, 1990; amended in R90-21 at 14 Ill. Reg. 20448, effective December 11, 1990; amended in R90-13 at 15 Ill. Reg. 1562, effective January 22, 1991; amended in R91-3 at 16 Ill. Reg. 19010, effective December 1, 1992; amended in R92-3 at 17 Ill. Reg. 7796, effective May 18, 1993; amended in R93-1 at 17 Ill. Reg. 12650, effective July 23, 1993; amended in R94-4 at 18 Ill. Reg. 12291, effective July 28, 1994; amended in R94-23 at 19 Ill. Reg. 8613, effective June 20, 1995; amended in R95-17 at 20 Ill. Reg. 14493, effective OCT 22 1996.

NOTE: In this Part, superscript number or letters are denoted by parentheses; subscript are denoted by brackets.

## SUBPART A: GENERAL

## Section 611.100 Purpose, Scope and Applicability

- This Part satisfies the requirement of Section 17.5 of the Environmental Protection Act (Act) [415 ILCS 5/17.5] that the Board adopt regulations which are identical in substance with federal regulations promulgated by the United States Environmental Protection Agency (USEPA) {U-S---EPA} pursuant to Sections 1412(b), 1414(c), 1417(a) and 1445 of the Safe Drinking Water Act (42 U.S.C. 300f et seq.)
- This Part establishes primary drinking water regulations (NPDWRs) pursuant to the SDWA, and also includes additional, related State requirements which are consistent with and more stringent than the USEPA U-S---EPA regulations (Section 7.2 of the Act). The latter provisions are specifically marked as "additional state requirements". They apply only to community water systems (CWSs).
- This Part applies to "suppliers", owners and operators of "public water supplies" ("PWSs"). PWSs include CWSs, "non-community water supplies" ("non-CWSs") and "non-transient non-community water systems

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

("NTNCWS"), as these terms are defined in Section 611.101.

- 1) CWS suppliers are required to obtain permits from the Illinois Environmental Protection Agency (Agency) pursuant to 35 Ill. Adm. Code 602.
- 2) Non-CWS suppliers are subject to additional regulations promulgated by the Illinois Department of Public Health (Public Health) pursuant to Section 9 of the Illinois Groundwater Protection Act [415 ILCS 55/9], including 77 Ill. Adm. Code 900.
- 3) Non-CWS suppliers are not required to obtain permits or other approvals from the Agency, or to file reports or other documents with the Agency. Any provision in this Part so providing is to be understood as requiring the non-CWS supplier to obtain the comparable form of approval from, or to file the comparable report or other document with Public Health.

BOARD NOTE: Derived from 40 CFR 141.1 (1994).

- d) This Part applies to each PWS, unless the PWS meets all of the following conditions:
  - 1) Consists only of distribution and storage facilities (and does not have any collection and treatment facilities);
  - 2) Obtains all of its water from, but is not owned or operated by, a supplier to which such regulators apply;
  - 3) Does not sell water to any person; and
  - 4) Is not a carrier which conveys passengers in interstate commerce.
- e) Some subsection labels have been omitted in order to maintain local consistency between USEPA 8-5--BPA subsection labels and the subsection labels in this Part.

(Source: Amended at 20 Ill. Reg. 14493, effective

06T-2-2-1996)

## Section 611.102 Incorporations by Reference

- a) Abbreviations and short-name listing of references. The following names and abbreviated names, presented in alphabetical order, are used in this Part to refer to materials incorporated by reference:

"AMCO-APPA-1 Polymer" is available from Advanced Polymer Systems.

"ASTM Method" means a method published by and available from the American Society for Testing and Materials (ASTM).

"Colisure Test" means "Colisure Presence/Absence Test for Detection and Identification of Coliform Bacteria and Escherichia Coli in Drinking Water", available from Millipore Corporation, Technical Services Department.

"Dioxin and Furan Method 1613" means "Tetra-

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

Octa-Chlorinated Dioxins and Furans by Isotope-Dilution HRGC/HRMS", available from NTIS.

"GLI Method 2" means GLI Method 2, "Turbidity", Nov. 2, 1992, available from Great Lakes Instruments, Inc.

"Guidance Manual for Compliance with the Filtration and Disinfection Requirements for Public Water Systems Using Surface Water Sources", available from USEPA 8-5--BPA Science and Technology Branch.

"HASL Procedure Manual" means HASL Procedure Manual, HASL 300, available from ERDA Health and Safety Laboratory.

"Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure", NCRP Report Number 22, available from NCRP.

"NCRP" means "National Council on Radiation Protection".

"NTIS" means "National Technical Information Service".

"ONGP-MUG Test" (meaning "minimal medium ortho-nitrophenyl-beta-D-galactopyranoside-4-methyl-umbelliferyl-beta-D-glucuronide test"), also called the "Autoanalysis Colliet System", is method 9223, available in "Standard Methods for the Examination of Water and Wastewater", 18th ed., from American Public Health Association.

"Procedures for Radiochemical Analysis of Nuclear Reactor Aqueous Solutions", available from NTIS.

"Radiochemical Methods" means "Interim Radiochemical Methodology for Drinking Water", available from NTIS.

"Standard Methods", means "Standard Methods for the Examination of Water and Wastewater", available from the American Public Health Association or the American Waterworks Association.

"Technical Bulletin 601" means "Technical Bulletin 601, "Standard Method of Testing Test for Nitrate in Drinking Water", July, 1994, available from Analytical Technology, Inc.

"Technicon Methods" means "Fluoride in Water and Wastewater", available from Technicon.

"USEPA 8-5--BPA Asbestos Methods - 100.1" means Method 100.1,



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

"Analytical Method for Determination of Asbestos Fibers in Water", available from NTIS.

"USEPA 8-S-2-BPA Asbestos Methods-100.2" means Method 100.2, "Determination of Asbestos Structures over 10-microm in Length in Drinking Water", available from NTIS.

"USEPA 8-S-2-BPA Environmental Inorganics Methods" means "Methods for the Determination of Inorganic Substances in Environmental Samples", available from NTIS.

"USEPA 8-S-2-BPA Environmental Metals Methods" means "Methods for the Determination of Metals in Environmental Samples", available from NTIS.

"USEPA 8-S-2-BPA Inorganic Methods" means "Methods for Chemical Analysis of Water and Wastes", available from NTIS. (Methods 150.1, 150.2, and 245.2, which formerly appeared in this reference, are available from 8-S-2-BPA-EM85-7)

"USEPA 8-S-2-BPA Organic Methods" means "Methods for the Determination of Organic Compounds in Drinking Water", July, 1991, for Methods 502.2, 505, 507, 508, 508A, 515.1, and 531.1; "Methods for the Determination of Organic Compounds in Drinking Water--Supplement I", July, 1990, for Methods 506, 547, 550, 550.1, and 551; and "Methods for the Determination of Organic Compounds in Drinking Water--Supplement II", August, 1992, for Methods 515.2, 524.2, 548.1, 549.1, 552.1, and 555, available from NTIS. Methods 504.1, 508.1, and 525.2 are available from EPA EMSD.

"USGS Methods" means "Methods of Analysis by the U.S. Geological Survey National Water Quality Laboratory--Determination of Inorganic and Organic Constituents in Water and Fluvial Sediments", available from NTIS and USGS.

"USEPA 8-S-2-BPA Technical Notes" means "Technical Notes on Drinking Water Methods", available from NTIS.

"Waters Method B-1011" means "Waters Test Method for the Determination of Nitrite/Nitrate in Water Using Single Column Ion Chromatography", available from Millipore Corporation, Waters Chromatography Division.

b) The Board incorporates the following publications by reference:

Access Analytical Systems, Inc., See Environetics, Inc.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

Advanced Polymer Systems, 3696 Haven Avenue, Redwood City, CA 94063 415-366-2626;

Amco-APPA-1 Polymer. See 40 CFR 141.22(a) [1995]. Also, as referenced in ASTM D1889.

American Public Health Association, 1015 Fifteenth Street NW, Washington, DC 20005 800-645-5476;

"Standard Methods for the Examination of Water and Wastewater", 18th Edition, 1992, including "Supplement to the 18th Edition of Standard Methods for the Examination of Water and Wastewater", 1994 (collectively referred to as "Standard Methods, 18th ed."). See the methods listed separately for the same references under American Water Works Association.

Supplement to the 18th edition of Standard Methods for the Examination of Water and Wastewater, 1994.

Analytical Technology--Inc--Avi-Orion--529--Main--Street--Boston--MA--02129.

Technical Bulletin 6017--"Standard Method of Test for Nitrate in Drinking Water"--July--1994--PN-221898-001--(referred to as "Technical Bulletin 6017")

ASTM--American Society for Testing and Materials--1976--Race Street--Philadelphia--PA--19103-215-299-5505.

ASTM--Method--B511--93--A--and--B--"Standard Test Methods for Calcium and Magnesium in Water"--1993--Method A--Complexometric Titration--6--Test Method--B--Atomic Absorption Spectrophotometric--7--approved--1993.

ASTM--Method--B515-00-A--"Standard Test Methods for Phosphorus in Water"--1997--Test Method--A--Colorimetric--Ascorbic--Acid Reduction--approved--August--1997--1998.

ASTM--Method--B859-00--"Standard Test Method for Silica in Water"--approved--August--1997--1998.

ASTM--Method--1067-92-B--"Standard Test Methods for Acidity or Alkalinity in Water"--Test Method--B--Electrometric--or Color Change Titration--7--approved--May--1993.

ASTM--Method--D1125-91--A--"Standard Test Methods for Electrical Conductivity and Resistivity of Water"--1993.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

Method-A--Field-and-Routine-Laboratory-Measurement-of-Static (Non-Flowing) Samples", approved-June-15-1991.

ASTM--Method-B1179-93-B7--"Standard-Test-Methods-for-Fluoride in-Water",--"Test-Method-B--Ion--Selective--Electrode", approved-1993.

ASTM--Method-B1993-04--"Standard--Test--Methods--for-pH-of Water",--"Test-Method-A--Precise-Laboratory-Measurement"--& "Test-Method-B--Routine-or-Continuous-Measurement", approved October-26-1984.

ASTM--Method-B1680-90--A--or--C7--"Standard-Test-Methods-for Copper-in-Water",--"Test-Method-A--Atomic-Absorption",--Direct" &--"Test-Method-C--Atomic--Absorption",--Graphit---Furnace", approved-March-15-1990.

ASTM--Method-B0296-91--A--or--B7--"Standard-Test-Methods-for Cyanide-in-Water",--"Test-Method-A--Total-Cyanides--after Distillation"--&--"Test-Method-B--Cyanides--Amenable--to Chlorination-by-Difference", approved-September-15-1991.

ASTM--Method-B2459-72--"Standard--Test--Method--for--Gamma Spectrometry in Water", approved-July-20-1972, discontinued 1988.

ASTM--Method-B2997-91--"Standard--Test--Methods--for Microquantities-of-Uranium-in-Water-by-Fluorometry",--"Test Method---A--Direct---Fluorometric"--&--"Test---Method B--Extraction", approved-June-15-1991.

ASTM--Method-B2972-93--B--or--C7--"Standard-Test-Methods-for Arsenic-in-Water",--"Test--Method-B--Atomic--Absorption", Hydride-Generation"--&--"Test--Method-C--Atomic-Absorption", Graphite-Furnace", approved-1993.

ASTM--Method-B3233-91--"Standard--Test--Method--for--Total Mercury-in-Water", approved-September-23-1991.

ASTM--Method-B3559-90-B7--"Standard-Test-Methods-for--Lead--in Water",--"Test-Method-B--Atomic-Absorption", Graphite-Furnace", approved-August-6-1990.

ASTM--Method-B3645-93-B7--"Standard-Test-Methods-for-Beryllium in-Water",--"Method-B--Atomic-Absorption", Graphite-Furnace", approved-1993.

ASTM--Method-B3697-92--"Standard-Test-Method-for-Antimony--in

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

Water", approved-June-15-1992.

ASTM--Method-B3059-93-A7--"Standard-Test-Methods-for-Seelenium in-Water",--"Method-A--Atomic--Absorption",--Hydride--Method", approved-1993.

ASTM--Method-B3067-90--A--and-B7--"Standard-Test-Methods-for Nitrite-Nitrate-in-Water",--"Test-Method-A--Automated-Cadmium Reduction"--&--"Test--Method-B--Manual--Cadmium--Reduction", approved-January-10-1990.

ASTM--Method-B4327-91--"Standard-Test-Method-for-Antions-in Water-by-Ion-Chromatography", approved-October-15-1991.

American Water Works Association et al., 6666 West Quincy Avenue, Denver, CO 80235 303-794-7711:

Standard Methods for the Examination of Water and Wastewater, 13th Edition, 1971 (referred to as "Standard Methods, 13th ed.").

Method 302, Gross Alpha and Gross Beta Radioactivity in Water (Total, Suspended and Dissolved).

Method 303, Total Radioactive Strontium and Strontium 90 in Water.

Method 304, Radium in Water by Precipitation.

Method 305, Radium 226 by Radon in Water (Soluble, Suspended and Total).

Method 306, Tritium in Water.

Standard Methods for the Examination of Water and Wastewater, 18th Edition, 1992 (referred to as "Standard Methods, 18th ed."):

Method 2130 B, Turbidity, Nephelometric Method.

Method 2320 B, Alkalinity, Titration Method.

Method 2510 B, Conductivity, Laboratory Method.

Method 2550 B, Temperature, Laboratory and Field Methods.

Method 3111 B, metals by Flame Atomic Absorption



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

Spectrometry, Direct Air-Acetylene Flame Method.

Method 3111 D, Metals by Flame Atomic Absorption Spectrometry, Direct Nitrous Oxide-Acetylene Flame Method.

Method 3112 B, Metals by Cold-Vapor Atomic Absorption Spectrometry, Cold-Vapor Atomic Absorption Spectrometric Method.

Method 3113 B, Metals by Electrothermal Atomic Absorption Spectrometry, Electrothermal Atomic Absorption Spectrometric Method.

Method 3114 B, Metals by Hydride Generation/Atomic Absorption Spectrometry, Manual Hydride Generation/Atomic Absorption Spectrometric Method.

Method 3120 B, Metals by Plasma Emission Spectroscopy, Inductively Coupled Plasma (ICP) Method.

Method 3500-Ca D, Calcium, EDTA Titrimetric Method.

Method 4110 B, Determination of Anions by Ion Chromatography, Ion Chromatography with Chemical Suppression of Eluent Conductivity.

Method 4500-CN C, Cyanide, Total Cyanide after Distillation.

Method 4500-CN E, Cyanide, Colorimetric Method.

Method 4500-CN F, Cyanide, Cyanide-Selective Electrode Method.

Method 4500-CN G, Cyanide, Cyanides Amenable to Chlorination after Distillation.

Method 4500-Cl D, Chlorine (Residual), Amperometric Titration Method.

Method 4500-Cl E, Chlorine (Residual), Low-Level Amperometric Titration Method.

Method 4500-Cl F, Chlorine (Residual), DPD Ferrous Titrimetric Method.

Method 4500-Cl G, Chlorine (Residual), DPD .

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

Colorimetric Method.

Method 4500-Cl H, Chlorine (Residual), Syringaldazine (FACTS) Method.

Method 4500-Cl I, Chlorine (Residual), Iodometric Electrode Technique.

Method 4500-ClO[2] C, Chlorine Dioxide, Amperometric Method I.

Method 4500-ClO[2] D, Chlorine Dioxide, DPD Method.

Method 4500-ClO[2] E, Chlorine Dioxide, Amperometric Method II (Proposed).

Method 4500-F B, Fluoride, Preliminary Distillation Step.

Method 4500-F C, Fluoride, Ion-Selective Electrode Method.

Method 4500-F D, Fluoride, SPADNS Method.

Method 4500-F E, Fluoride, Complexone Method.

Method 4500-H(+) B, pH Value, Electrometric Method.

Method 4500-NO[2] B, Nitrogen (Nitrite), Colorimetric Method.

Method 4500-NO[3] D, Nitrogen (Nitrate), Nitrate Electrode Method.

Method 4500-NO[3] E, Nitrogen (Nitrate), Cadmium Reduction Method.

Method 4500-NO[3] F, Nitrogen (Nitrate), Automated Cadmium Reduction Method.

Method 4500-O[3] B, Ozone (Residual) (Proposed), Indigo Colorimetric Method.

Method 4500-P E, Phosphorus, Ascorbic Acid Method.

Method 4500-P F, Phosphorus, Automated Ascorbic Acid Reduction Method.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- Method 4500-Si D, Silica, Molybdosilicate Method.
- Method 4500-Si E, Silica, Heteropoly Blue Method.
- Method 4500-Si F, Silica, Automated Method for Molybdate-Reactive Silica.
- Method 4500-SO<sub>4</sub>(2-) C, Sulfate, Gravimetric Method with Ignition of Residue.
- Method 4500-SO<sub>4</sub>(2-) D, Sulfate, Gravimetric Method with Drying of Residue.
- Method 4500-SO<sub>4</sub>(2-) F, Sulfate, Automated Methylthymol Blue Method.
- Method 6651, Glyphosate Herbicide (Proposed).
- Method 9215 B, Heterotrophic Plate Count, Pour Plate Method.
- Method 9221 A, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Introduction.
- Method 9221 B, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Standard Total Coliform Fermentation Technique.
- Method 9221 C, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Estimation of Bacterial Density.
- Method 9221 D, Multiple-Tube Fermentation Technique for Members of the Coliform Group, Presence-Absence (P-A) Coliform Test.
- Method 9222 A, Membrane Filter Technique for Members of the Coliform Group, Introduction.
- Method 9222 B, Membrane Filter Technique for Members of the Coliform Group, Standard Total Coliform Membrane Filter Procedure.
- Method 9222 C, Membrane Filter Technique for Members of the Coliform Group, Delayed-Incubation Total Coliform Procedure.
- Method 9223, Chromogenic Substrate Coliform Test

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

(Proposed).

Standard Methods for the Examination of Water and Wastewater, 18th Edition Supplement, 1994 (Referred to as "Standard Methods, 18th ed."):

Method 6610, Carbamate Pesticides.

Analytical Technology, Inc. ATI Orion, 529 Main Street, Boston, MA 02129:

Technical Bulletin 601, "Standard Method of Testing for Nitrate in Drinking Water", July 1994, PN 221890-001 (referred to as "Technical Bulletin 601").

ASTM, American Society for Testing and Materials, 1976 Race Street, Philadelphia, PA 19103 215-299-5585:

ASTM Method D511-93 A and B, "Standard Test Methods for Calcium and Magnesium in Water", "Test Method A-complexometric Titration" & "Test Method B-Atomic Absorption Spectrophotometric", approved 1993.

ASTM Method D515-88 A, "Standard Test Methods for Phosphorus in Water", "Test Method A-Colorimetric Ascorbic Acid Reduction", approved August 19, 1988.

ASTM Method D859-88 A, "Standard Test Method for Silica in Water", approved August 19, 1988.

ASTM Method D1067-92 B, "Standard Test Methods for Acidity or Alkalinity in Water", "Test Method B--Electrometric or Color-Change Titration", approved May 15, 1992.

ASTM Method D1125-91 A, "Standard Test Methods for Electrical Conductivity and Resistivity of Water", "Test Method A--Field and Routine Laboratory Measurement of Static (Non-Flowing) Samples", approved June 15, 1991.

ASTM Method D1179-93 B "Standard Test Methods for Fluoride in Water", "Test Method B--Ion Selective Electrode", approved 1993.

ASTM Method D1293-84 "Standard Test Methods for pH of Water", "Test Method A--Precise Laboratory Measurement" & "Test Method B--Routine or Continuous Measurement", approved October 26, 1984.



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

ASTM Method D1688-90 A or C, "Standard Test Methods for Copper in Water", "Test Method A--atomic Absorption, Direct" & "Test Method C--Atomic Absorption, Graphite Furnace", approved March 15, 1990.

ASTM Method D2036-91 A or B, "Standard Test Methods for Cyanide in Water", "Test Method A--Total Cyanides after Distillation" & "Test Method B--Cyanides Amenable to Chlorination by Difference", approved September 15, 1991.

ASTM Method D2459-72, "Standard Test Method for Gamma Spectrometry in Water", approved July 28, 1972, discontinued in 1988.

ASTM Method D2907-91, "Standard Test Methods for Microquantities of Uranium in Water by Fluorometry", "Test Method A--Direct Fluorometric" & "Test Method B--Extraction", approved June 15, 1991.

ASTM Method D2972-93 B or C, "Standard Test Methods for Arsenic in Water", "Test Method B--Atomic Absorption, Hydride Generation" & "Test Method C--Atomic Absorption, Graphite Furnace", approved 1993.

ASTM Method D3223-91, "Standard Test Method for Total Mercury in Water", approved September 23, 1991.

ASTM Method D3559-90 D, "Standard Test Methods for Lead in Water", "Test Method D--Atomic Absorption, Graphite Furnace", approved August 6, 1990.

ASTM Method D3645-93 B, "Standard Test Methods for Beryllium in Water", "Method B--Atomic Absorption, Graphite Furnace", approved 1993.

ASTM Method D3697-92, "Standard Test Method for Antimony in Water", approved June 15, 1992.

ASTM Method D3859-93 A, "Standard Test Methods for Selenium in Water", "Method A--Atomic Absorption, Hydride Method", approved 1993.

ASTM Method D3867-90 A and B, "Standard Test Methods for Nitrite-Nitrate in Water", "Test Method A--Automated Cadmium Reduction" & "Test Method B--Manual Cadmium Reduction", approved January 10, 1990.

ASTM Method D4327-91, "Standard Test Method for Anions in

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

Water by Ion Chromatography", approved October 15, 1991.

ERDA Health and Safety Laboratory, New York, NY:

HASL Procedure Manual, HASL 300, 1973. See 40 CFR 141.25(b)(2) [1995].

Great Lakes Instruments, Inc., 8855 North 55th Street, Milwaukee, WI 53223:

GLI Method 2, "Turbidity", Nov. 2, 1992.

Millipore Corporation, Technical Services Department, 80 Ashby Road, Milford, MA 01730 800-654-5476:

Colisure Presence/Absence Test for Detection and Identification of Coliform Bacteria and Escherichia Coli in Drinking Water, February 28, 1994 (referred to as "Colisure Test").

Millipore Corporation, Waters Chromatography Division, 34 Maple St., Milford, MA 01757 800-252-4752:

Waters Test Method for the Determination of Nitrite/Nitrate in Water Using Single Column Ion Chromatography, Method B-1011 (referred to as "Waters Method B-1011").

NCRP. National Council on Radiation Protection, 7910 Woodmont Ave., Bethesda, MD 301-657-2652:

"Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure", NCRP Report Number 22, June 5, 1959.

NTIS. National Technical Information Service, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, VA 22161 (703) 487-4600 or (800) 553-6847:

Method 100.1, "Analytical Method for Determination of Asbestos Fibers in Water", EPA-600/4-83-043, September, 1983, Doc. No. PB83-160471 (referred to as "USEPA W-83--BPA Asbestos Methods-100.1").

Method 100.2, "Determination of Asbestos Structures over 10-microm in Length in Drinking Water", EPA-600/4-83-043, June, 1994, Doc. No. PB94-201902 (Referred to as "USEPA W-94--BPA Asbestos Methods-100.2").

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

"Methods for Chemical Analysis of Water and Wastes", March, 1983, Doc. No. PB84-128677 (referred to as "USEPA W-5--BPA Inorganic Methods"). (Methods 150.1, 150.2, and 245.2, which formerly appeared in this reference, are available from USEPA W-5--BPA EMSL.)

"Methods for the Determination of Metals in Environmental Samples", June, 1991, Doc. No. PB91-231498 (referred to as "USEPA W-5--BPA Environmental Metals Methods").

"Methods for the Determination of Organic Compounds in Drinking Water", December, 1988, revised July, 1991, EPA-600/4-88/039 (referred to as "USEPA W-5--BPA Organic Methods"). (For methods 502.2, 505, 507, 508, 508A, 515.1 and 531.1.)

"Methods for the Determination of Organic Compounds in Finished Drinking Water--Supplement I", July, 1990, EPA-600-4-90-020 (referred to as "USEPA W-5--BPA Organic Methods"). (For methods 506, 547, 550, 550.1, and 551.)

"Methods for the Determination of Organic Compounds in Finished Drinking Water--Supplement II", August, 1992, EPA-600/R-92-129 (referred to as "USEPA W-5--BPA Organic Methods"). (For methods 515.2, 524.2, 548.1, 549.1, 552.1 and 555.)

"Procedures for Radiochemical Analysis of Nuclear Reactor Aqueous Solutions", H.L. Krieger and S. Gold, EPA-R4-73-014, May, 1973, Doc. No. PB222-154/7BA.

"Technical Notes on Drinking Water Methods", EPA-600/R-94-173, October, 1994, Doc. No. PB-104766 (referred to as "USEPA W-5--BPA Technical Notes").

BOARD NOTE: USEPA W-5--BPA made the following assertion with regard to this reference at 40 CFR 141.23(k)(1) and 141.24(e) and (n)(11) (1995 #994): This document contains other analytical test procedures and approved analytical methods that remain available for compliance monitoring until July 1, 1996.

"Tetra- through Octa-Chlorinated Dioxins and Furans by Isotope Dilution HRGC/HRMS", October, 1994, EPA-821-B-94-005 (referred to as "Dioxin and Furan Method 1613").

Technicon Industrial Systems, Tarrytown, NY 10591:

"Fluoride in Water and Wastewater", Industrial Method

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

#129-71W, December, 1972 (referred to as "Technicon Methods: Method #129-71W"). See 40 CFR 141.23(f)(10), footnotes 6 and 7 (1995).

"Fluoride in Water and Wastewater", #380-75WE, February, 1976 (referred to as "Technicon Methods: Method #380-75WE"). See 40 CFR 141.23(f)(10), footnotes 6 and 7 (1995).

United States Environmental Protection Agency, EMSL, Cincinnati, OH 45268 513-569-7586:

"Interim Radiochemical Methodology for Drinking Water", EPA-600/4-75-008 (referred to as "Radiochemical Methods"). (Revised) March, 1976.

"Methods for the Determination of Organic Compounds in Finished Drinking Water and Raw Source Water" (referred to as "USEPA W-5--BPA Organic Methods"). (For methods 504.1, 508.1, and 525.2 only.) See NTIS.

"~~Methods---for---Chemical---Analysis---of---Water---and---Wastes~~" ~~referred to as "W-5--BPA Inorganic Methods"~~,---See---NTIS---~~Methods-150-17-150-27-and-245-2-only~~

"Procedures for Radiochemical Analysis of Nuclear Reactor Aqueous Solutions". See NTIS.

U.S. EPA, Science and Technology Branch, Criteria and Standards Division, Office of Drinking Water, Washington D.C. 20460:

"Guidance Manual for Compliance with the Filtration and Disinfection Requirements for Public Water Systems using Surface Water Sources", October, 1989.

USGS. Books and Open-File Reports Section, United States Geological Survey, Federal Center, Box 25425, Denver, CO 8025-0425:

Methods available upon request by method number from "Methods of Analysis by the U.S. Geological Survey National Water Quality Laboratory--Determination of Inorganic and Organic Constituents in Water and Fluvial Sediments", Open File Report 93-125 or Book 5, Chapter A-1, "Methods for Determination of Inorganic Substances in Water and Fluvial Sediments", 3d ed., Open-File Report 85-495, 1989, as appropriate (referred to as "USGS Methods").



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

I-1030-85  
I-1062-85  
I-1601-85  
I-1700-85  
I-2598-85  
I-2601-90  
I-2700-85  
I-3300-85

c) The Board incorporates the following federal regulations by reference:  
40 CFR 136, Appendix B and C (1995) (1994).

40-CFR-141-Subpart-G-Appendix-G-(1994)-

d) This Part incorporates no later amendments or editions.

(Source: Amended at 20 Ill. Reg. **14493**, effective  
**OCT 2 2 1996**)

### Section 611.130 Special Requirements for Certain Variances and Adjusted Standards

a) Relief from the TTHM MCL.

1) In granting any variance or adjusted standard to a supplier that is a CWS that adds a disinfectant at any part of treatment and which provides water to 10,000 or more persons on a regular basis from the maximum contaminant level for TTHM listed in Section 611.30(c), the Board will require application of the best available technology (BAT) identified at subsection (a)(4) below for that constituent as a condition to the relief, unless the supplier has demonstrated through comprehensive engineering assessments that application of BAT is not technically appropriate and technically feasible for that system, or it would only result in a marginal reduction in TTHM for that supplier.

2) The Board will require the following as a condition for relief from the TTHM MCL where it does not require the application of BAT:

- A) That the supplier continue to investigate the following methods as an alternative means of significantly reducing the level of TTHM, according to a definite schedule:
- i) introduction of off-line water storage for TTHM precursor reduction;
  - ii) aeration for TTHM reduction, where geography and

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

Climate allow;  
iii) introduction of clarification, where not presently practiced;

- iv) use of alternative sources of raw water; and
  - v) use of ozone as an alternative or supplemental disinfectant or oxidant, and
- B) That the supplier report results of that investigation to the Agency.

3) The Agency shall petition the Board to reconsider or modify a variance or adjusted standard, pursuant to 35 Ill. Adm. Code 101.Subpart K, if it determines that an alternative method identified by the supplier pursuant to subsection (a)(2) above is technically feasible and would result in a significant reduction in TTHM.

4) Best available technology for TTHM reduction:

- A) use of chloramines as an alternative or supplemental disinfectant,
- B) use of chlorine dioxide as an alternative or supplemental disinfectant, or
- C) improved existing clarification for TTHM precursor reduction.

BOARD NOTE: Derived from 40 CFR 142.60 (1994). The restrictions of this subsection do not apply to suppliers regulated for TTHM as an additional state requirement. See the Board Note to Section 611.301(c).

b) Relief from the fluoride MCL.

1) In granting any variance or adjusted standard to a supplier that is a CWS from the maximum contaminant level for fluoride listed in Section 611.301(b), the Board will require application of the best available technology (BAT) identified at subsection (b)(4) below for that constituent as a condition to the relief, unless the supplier has demonstrated through comprehensive engineering assessments that application of BAT is not technically appropriate and technically feasible for that supplier.

2) The Board will require the following as a condition for relief from the fluoride MCL where it does not require the application of BAT:

A) That the supplier continue to investigate the following methods as an alternative means of significantly reducing the level of fluoride TTHM, according to a definite schedule:

- i) modification of lime softening;
- ii) alum coagulation;
- iii) electrodialysis;
- iv) anion exchange resins;
- v) wall field management;
- vi) use of alternative sources of raw water; and
- vii) regionalization, and

B) That the supplier report results of that investigation to

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

the Agency.

- 3) The Agency shall petition the Board to reconsider or modify a variance or adjusted standard, pursuant to 35 Ill. Adm. Code 101.301 Subpart K, if it determines that an alternative method identified by the supplier pursuant to subsection (b)(2) above is technically feasible and would result in a significant reduction in fluoride.

- 4) Best available technology for fluoride reduction:

- A) activated alumina absorption centrally applied, and  
B) reverse osmosis centrally applied.

BOARD NOTE: Derived from 40 CFR 142.61 (1994).

- c) Relief from an inorganic chemical contaminant, VOC, or SOC MCL.

- 1) In granting to a supplier that is a CWS or NTNWS any variance or adjusted standard from the maximum contaminant levels for any VOC or SOC, listed in Section 611.311(a) or (c), or for any inorganic chemical contaminant, listed in Section 611.301, the supplier must have first applied the best available technology (BAT) identified at Section 611.311(b) (VOCs and SOCs) or Section 611.301(c) (inorganic chemical contaminants) for that constituent, unless the supplier has demonstrated through comprehensive engineering assessments that application of BAT would achieve only a minimal and insignificant reduction in the level of contaminant.

BOARD NOTE: USEPA 8-S-BPA lists BAT for each SOC and VOC at 40 CFR 142.62(a) (1995) (1994), for the purposes of variances and exemptions (adjusted standards). That list is identical to the list at 40 CFR 141.61(b) (1995). ~~With three exceptions--the section--142-62--listing--adds--PFA--(PAGU)--for--chloroform--1,1,1-trichloroethene--instead--of--GAC--and--omits--PFA--for--hexachlorobenzene--the Board has chosen to use--the section--141-61(a) (Section--611-311--BAT--listing--because we believe that this leads to greater consistency.~~

- 2) The Board may require any of the following as a condition for relief from a MCL listed in Section 611.301 or 611.311:

- A) That the supplier continue to investigate alternative means of compliance according to a definite schedule, and  
B) That the supplier report results of that investigation to the Agency.

- 3) The Agency shall petition the Board to reconsider or modify a variance or adjusted standard, pursuant to 35 Ill. Adm. Code 101.301 Subpart K, if it determines that an alternative method identified by the supplier pursuant to subsection (c)(2) above is technically feasible.

BOARD NOTE: Derived from 40 CFR 142.62(a) through (e) (1994).

- d) Conditions requiring use of bottled water or point-of-use or point-of-entry devices. In granting any variance or adjusted standard from the maximum contaminant levels for organic and inorganic chemicals or an adjusted standard from the treatment technique for

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

lead and copper, the Board may impose certain conditions requiring the use of bottled water, point-of-entry devices, or point-of-use devices to avoid an unreasonable risk to health, limited as provided in subsections (e) and (f) below.

- 1) Relief from an MCL. The Board may, when granting any variance or adjusted standard from the MCL requirements of Sections 611.301 and 611.311, impose a condition that requires a supplier to use bottled water, point-of-use devices, point-of-entry devices or other means to avoid an unreasonable risk to health.

- 2) Relief from corrosion control treatment. The Board may, when granting an adjusted standard from the corrosion control treatment requirements for lead and copper of Sections 611.351 and 611.352, impose a condition that requires a supplier to use bottled water and point-of-use devices or other means, but not point-of-entry devices, to avoid an unreasonable risk to health.

- 3) Relief from source water treatment or service line replacement. The Board may, when granting an exemption from the source water treatment and lead service line replacement requirements for lead and copper under Sections 611.353 or 611.354, impose a condition that requires a supplier to use point-of-entry devices to avoid an unreasonable risk to health.

BOARD NOTE: Derived from 40 CFR 142.62(f) (1994).

- e) Use of bottled water. Suppliers that propose to use or use bottled water as a condition for receiving a variance or an adjusted standard from the requirements of Section 611.301 or Section 611.311, or an adjusted standard from the requirements of Sections 611.351 through 611.354 must meet the requirements of either subsections (e)(1), (e)(2), (e)(3), and (e)(6) or (e)(4), (e)(5) and (e)(6) below:

- 1) The supplier must develop a monitoring program for Board approval that provides reasonable assurances that the bottled water meets all MCLs of Sections 611.301 and 611.311 and submit a description of this program as part of its petition. The proposed program must describe how the supplier will comply with each requirement of this subsection.

- 2) The supplier must monitor representative samples of the bottled water for all contaminants regulated under Sections 611.301 and 611.311 during the first three-month period that it supplies the bottled water to the public, and annually thereafter.

- 3) The supplier shall annually provide the results of the monitoring program to the Agency.

- 4) The supplier must receive a certification from the bottled water company as to each of the following:

- A) that the bottled water supplied has been taken from an approved source of bottled water, as such is defined in Section 611.101;

- B) that the approved source of bottled water has conducted monitoring in accordance with 21 CFR 129.80(g)(1) through (3);



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- C) and that the bottled water does not exceed any MCLs or quality limits as set out in 21 CFR 103.35, 110, and 129.
- 5) The supplier shall provide the certification required by subsection (e)(4) above to the Agency during the first quarter after it begins supplying bottled water and annually thereafter.
- 6) The supplier shall assure the provision of sufficient quantities of bottled water to every affected person supplied by the supplier via door-to-door bottled water delivery.

**BOARD NOTE:** Derived from 40 CFR 142.62(g) (1994).

- f) Use of point-of-entry devices. Before the Board grants any PWS a variance or adjusted standard from any NPDR that includes a condition requiring the use of a point-of-entry device, the supplier must demonstrate to the Board each of the following:

- 1) that the supplier will operate and maintain the device;
- 2) that the device provides health protection equivalent to that provided by central treatment;
- 3) that the supplier will maintain the microbiological safety of the water at all times;
- 4) that the supplier has established standards for performance, conducted a rigorous engineering design review, and field tested the device;
- 5) that the operation and maintenance of the device will account for any potential for increased concentrations of heterotrophic bacteria resulting through the use of activated carbon, by backwashing, post-contractor disinfection, and heterotrophic plate count monitoring;
- 6) that buildings connected to the supplier's distribution system have sufficient devices properly installed, maintained, and monitored to assure that all consumers are protected; and
- 7) that the use of the device will not cause increased corrosion of lead and copper bearing materials located between the device and the tap that could increase contaminant levels at the tap.

**BOARD NOTE:** Derived from 40 CFR 142.62(h) (1994).

(Source: Amended at 20 Ill. Reg. 14493, effective OCT 2-2-1996)

## Section 611.212 Groundwater under Direct Influence of Surface Water

The Agency shall, pursuant to Section 611.201, require all CWSs to demonstrate whether they are using "groundwater under the direct influence of surface water" by June-29-1994. The Agency shall determine with information provided by the supplier whether a PWS uses "groundwater under the direct influence of surface water" on an individual basis. The Agency shall determine that a groundwater source is under the direct influence of surface water based upon:

- a) Physical characteristics of the source: whether the source is obviously a surface water source, such as a lake or stream. Other sources which may be subject to influence from surface waters

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

include: springs, infiltration galleries, wells or other collectors in subsurface aquifers.

- b) Well construction characteristics and geology with field evaluation.

1) The Agency may use the wellhead protection program's requirements, which include delineation of wellhead protection areas, assessment of sources of contamination and implementation of management control systems, to determine if the wellhead is under the influence of surface water.

2) Wells less than or equal to 50 feet in depth are likely to be under the influence of surface water.

3) Wells greater than 50 feet in depth are likely to be under the influence of surface water, unless they include:

- A) A surface sanitary seal using bentonite clay, concrete or similar material,
- B) A well casing that penetrates consolidated (slowly permeable) material, and
- C) A well casing that is only perforated or screened below consolidated (slowly permeable) material.

4) A source which is less than 200 feet from any surface water is likely to be under the influence of surface water.

- c) Any structural modifications to prevent the direct influence of surface water and eliminate the potential for Giardia lamblia cyst contamination.

d) Source water quality records. The following are indicative that a source is under the influence of surface water:

- 1) A record of total coliform or fecal coliform contamination in untreated samples collected over the past three years,
- 2) A history of turbidity problems associated with the source, or
- 3) A history of known or suspected outbreaks of Giardia lamblia or other pathogenic organism associated with surface water (e.g. cryptosporidium) that-which has been attributed to that source.

e) Significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity or pH.

- 1) A variation in turbidity ~~turbidity~~ of 0.5 NTU or more over one year is indicative of surface influence.
- 2) A variation in temperature of 9 Fahrenheit degrees or more over one year is indicative of surface influence.

f) Significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity or pH which closely correlate to climatological or surface water conditions are indicative of surface water influence.

- 1) Evidence of particulate matter associated with the surface water, or
- 2) Turbidity or temperature data which correlates to that of a nearby surface water source.

g) Particulate analysis: Significant occurrence of insects or other macroorganisms, algae or large diameter pathogens such as Giardia lamblia is indicative of surface influence.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 1) "Large diameter" particulates are those over 7 micrometers.
- 2) Particulates must be measured as specified in the "Guidance Manual for Compliance with the Filtration and Disinfection Requirements for Public Water Systems using Surface Water Sources", incorporated by reference in Section 611.102.
- h) The potential for contamination by small-diameter pathogens, such as bacteria or viruses, does not alone render the source "under the direct influence of surface water".
- BOARD NOTE: Derived from the definition of "groundwater under the direct influence of surface water" in 40 CFR 141.2 (1995) (1994); from the Preamble at 54 Fed. Reg. 27489 (June 29, 1989); and from the USEPA H-9--BPA "Guidance Manual for Compliance with the Filtration and Disinfection Requirement for Public Water Systems using Surface Water Sources", incorporated by reference in Section 611.102.

(Source: Amended at 20 Ill. Reg. 14493, effective OCT 22 1996)

## Section 611.220 General Requirements

- a) The requirements of this Subpart constitute NPDRs. This Subpart establishes criteria under which filtration is required as a treatment technique for PWSs supplied by a surface water source and PWSs supplied by a groundwater source under the direct influence of surface water. In addition, these regulations establish treatment technique requirements in lieu of MCLs for the following contaminants: Giardia lamblia, viruses, HPC bacteria, Legionella and turbidity. Each supplier with a surface water source or a groundwater source under the direct influence of surface water shall provide treatment of that source water that complies with these treatment technique requirements. The treatment technique requirements consist of installing and properly operating water treatment processes which reliably achieve:
- 1) At least 99.9 percent (3-log) removal or inactivation of Giardia lamblia cysts between a point where the raw water is not subject to recontamination by surface water runoff and a point downstream before or at the first customer; and
  - 2) At least 99.99 percent (4-log) removal or inactivation of viruses between a point where the raw water is not subject to recontamination by surface water runoff and a point downstream before or at the first customer.
- b) A supplier using a surface water source or a groundwater source under the direct influence of surface water is considered to be in compliance with the requirements of subsection (a) if:
- 1) It meets the requirements for avoiding filtration in Section 611.230 through 611.232 and the disinfection requirements in Section 611.241; or
  - 2) It meets the filtration requirements in Section 611.250 and the

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- disinfection requirements in Section 611.242.
- c) Each supplier using a surface water source or a groundwater source under the direct influence of surface water shall have a certified operator pursuant to 35 Ill. Adm. Code 603.103 and the Public Water Supply Operations Act [415 ILCS 45].

BOARD NOTE: Derived from 40 CFR 141.70 (1995) (1994). The Public Water Supply Operations Act applies only to CWSs, which are regulated by the Agency. It does not apply to non-CWSs, which are regulated by Public Health. Public Health has its own requirements for personnel operating water supplies that it regulates, e.g., 77 Ill. Adm. Code 900.40(e).

(Source: Amended at 20 Ill. Reg. 14493, effective OCT 22 1996)

## SUBPART F: MAXIMUM CONTAMINANT LEVELS (MCL's)

## Section 611.300 Old MCLs for Inorganic Chemicals

- a) The old MCLs listed in subsection (b) below for inorganic chemicals apply only to CWS suppliers. Compliance with old MCLs for inorganic chemicals is calculated pursuant to Section 611.612, except that analyses for arsenic are to be performed pursuant to Section 611.611.
- BOARD NOTE: Derived from 40 CFR 141.11(a) (1995) (1994).
- b) The following are the old MCL's for inorganic chemicals--with the--old MCLs--for--cyanide--effective--only--until--the--revised--MCLs--for--cyanide--at--Section--611.301(a)--becomes--effective:

Contaminant	Level, mg/L	Additional State Requirement (*)
Arsenic.....	0.05	*
Iron.....	1.0	*
Manganese.....	0.15	*
Zinc.....	5.	*

BOARD NOTE: Derived from 40 CFR 141.11(b) & (c) (1995) (1994). This provision, which corresponds with 40 CFR 141.11, was formerly the only listing of MCLs for inorganic parameters. However, USEPA H-9--BPA added another listing of inorganic MCLs at 40 CFR 141.62 at 56 Fed. Reg. 3594 (Jan. 30, 1991), which corresponds with Section 611.301. Following the--changing--H-9--BPA--codification--scheme--creates--two listings--of--MCLs--one--at--this--Section--and--one--at--Section--611.301--and this--causes--fluoride--to--appear--in--both--the--40--CFR--141.11(a)--and 141.62(b)--listings--with--the--same--MCLs--The Board has deleted the corresponding fluoride MCLs from this Section in favor of--that--which



POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- c) ~~appears at Section 611.301(b);~~  
 This subsection corresponds with 40 CFR 141.11(c) (1995), the substance of which the Board has codified in subsection (b) above marked as reserved by USEPA. This statement maintains structural parity with the federal rules.
- d) Nitrate.  
 1) ~~The Board incorporates by reference 40 CFR 141.11(d) (1994);~~  
 This incorporation includes no later editions or amendments.
- 2) Non-CWSS may exceed the MCL for nitrate under the following circumstances:
- The nitrate level must not exceed 20 mg/L,
  - The water must not be available to children under six months of age,
  - There will not continuous posting of the fact that the nitrate level exceeds 10 mg/L together with the public health effects information set forth in paragraph (2) of Section 611.301 Appendix A,
  - The supplier will annually notify local public health authorities and Public Health of the nitrate levels that exceed 10 mg/L, and
  - No adverse public health effects results.

BOARD NOTE: Derived from 40 CFR 141.11(d) (1994). Public Health regulations may impose a nitrate limitation requirement. Those regulations are at 77 Ill. Adm. Code 900.50.

- e) The following supplementary condition applies to the MCLs listed in subsection (b) above for iron and manganese:

- CWS suppliers that serve a population of 1000 or less, or 300 service connections or less, are exempt from the standards for iron and manganese.
- The Agency may, by special exception permit, allow iron and manganese in excess of the MCL if sequestration tried on an experimental basis proves to be effective. If sequestration is not effective, positive iron or manganese reduction treatment as applicable must be provided. Experimental use of a sequestering agent may be tried only if approved by special exception permit.

BOARD NOTE: This is an additional State requirement.

(Source: Amended at 20 Ill. Reg. 14493, effective OCT 2 2 1996)

Section 611.301 Revised MCLs for Inorganic Chemicals

- a) This subsection corresponds with 40 CFR 141.62(a), reserved by USEPA 8-S-8-BPA. This statement maintains structural consistency with USEPA 8-S-8-BPA rules.
- b) The MCLs in the following table apply to CWSS. Except for fluoride, the MCLs also apply to NTNCWSs. The MCLs for nitrate, nitrite, and total nitrate and nitrite also apply to transient non-CWSS. ~~The MCLs~~

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

~~for antimony, beryllium, cyanide, nickel, and thallium are effective January 17, 1994.~~

Contaminant	MCL	Units
Antimony	0.006	mg/L
Asbestos	7	MFL
Barium	2	mg/L
Beryllium	0.004	mg/L
Cadmium	0.005	mg/L
Chromium	0.1	mg/L
Cyanide (as free CN)	0.2	mg/L
Mercury	0.002	mg/L
Nickel	0.1	mg/L
Nitrate (as N)	10.	mg/L
Nitrite (as N)	1.	mg/L
Total Nitrate and Nitrite (as N)	10.	mg/L
Selenium	0.05	mg/L
Thallium	0.002	mg/L

BOARD NOTE: Section 611.300(d) for an elevated nitrate level for non-CWSS. USEPA removed and reserved the MCL for nickel on June 29, 1995, at 60 Fed. Reg. 33932, as a result of a judicial order in Nickel Development Institute v. EPA, No. 92-1407, and Specialty Steel Industry of the U.S. v. Browner, No. 92-1410 (D.C. Cir. Feb. 23 & Mar. 6, 1995), while retaining the contaminant, analytical methodology and detection limit listings for this contaminant. See the definition of "initial compliance period" at Section 611.101. The federal secondary MCLs for fluoride is 2.0 mg/L. The federal regulations require public notice when water exceeds this level. See 40 CFR 143.3 and 143.5 (1995).

- c) USEPA 8-S-8-BPA has identified the following as BAT for achieving compliance with the MCL for the inorganic contaminants identified in subsection (b) above, except for fluoride:

Contaminant	BAT(s)
Antimony	C/F RO
Asbestos	C/F DDF CC
Barium	IX LIME

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

Beryllium	RO	
	ED	
	AA	
	C/F	
Cadmium	IX	
	LIME	
	RO	
	C/F	
Chromium	IX	
	LIME	
	RO	
	C/F	
Cyanide	IX	
	RO	
	Cl(2)	
	C/F, BAT only if influent Hg concentrations less than or equal to ( $\leq$ ) 10 ug/L	
Mercury	GAC	
	LIME, BAT only if influent Hg concentrations $\leq$ 10 u/L	
	RO, BAT only if influent Hg concentrations $\leq$ 10 u/L	
	(ug=micrograms)	
Nickel	IX	
	LIME	
	RO	
	C/F	
Nitrate	IX	
	RO	
	ED	
	C/F	
Nitrite	IX	
	RO	
	ED	
	C/F	
Selenium	IX	
	RO	
	ED	
	C/F	

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

Thallium	ED	
	AAL	
	IX	
	C/F	
Abbreviations	AAL	Activated alumina
	C/F	Coagulation/filtration
	CDDF	Direct and diatomite filtration
	GAC	Granular activated carbon
	IX	Ion exchange
	LIME	Lime softening
	RO	Reverse osmosis
	CC	Corrosion control
	ED	Electrodialysis
	CL	Oxidation (chlorine)
	UV	Ultraviolet irradiation

BOARD NOTE: Derived from 40 CFR 141.62 (1995) (1994).

**14493**(Source: Amended at 20 Ill. Reg. effective  
**OCT 22 1996**)

## Section 611.357 Monitoring for Water Quality Parameters

All large system suppliers, and all small and medium-sized system suppliers that exceed the lead action level or the copper action level, shall monitor water quality parameters in addition to lead and copper in accordance with this Section. The requirements of this Section are summarized in Section 611.356(a).

## G. a) General Requirements

## 1) Sample collection methods

A) Use of tap samples. The totality of all tap samples collected by a supplier shall be representative of water quality throughout the distribution system taking into account the number of persons served, the different sources of water, the different treatment methods employed by the supplier, and seasonal variability. Although a supplier may conveniently conduct tap sampling for water quality parameters at sites used for coliform sampling performed pursuant to Subpart I of this Part, it is not required to do so, and a supplier is not required to perform tap sampling pursuant to this Section at taps targeted for lead and copper sampling under Section 611.356(a).

B) Use of entry point samples. Each supplier shall collect samples at entry point(s) to the distribution system from locations representative of each source after treatment. If a supplier draws water from more than one source and the sources are combined before distribution, the supplier must



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

sample at an entry point to the distribution system during periods of normal operating conditions (i.e., when water is representative of all sources being used).

- 2) Number of samples
  - A) Tap samples. Each supplier shall collect two tap samples for applicable water quality parameters during each six-month monitoring period specified under subsections (b) through (e) below from the number of sites indicated in the first column of Section 611.356(d)(1). Table E.
  - B) Entry point samples.
    - i) Initial monitoring. Each supplier shall collect two samples for each applicable water quality parameter at each entry point to the distribution system during each six-month monitoring period specified in subsection (b) below.
    - ii) Subsequent monitoring. Each supplier shall collect one sample for each applicable water quality parameter at each entry point to the distribution system during each six-month monitoring period specified in subsections (c) through (e) below.
- b) Initial Sampling.
  - 1) Large systems. Each large system supplier shall measure the applicable water quality parameters specified in subsection (b)(3) below at taps and at each entry point to the distribution system during each six-month monitoring period specified in Section 611.356(d)(1).
  - 2) Small and medium-sized systems. Each small and medium-sized system supplier shall measure the applicable water quality parameters specified in subsection (b)(3) below at the locations specified in this subsection during each six-month monitoring period specified in Section 611.356(d)(1) during which the supplier exceeds the lead action level or the copper action level.
  - 3) Water quality parameters:
    - A) pH;
    - B) alkalinity;
    - C) orthophosphate, when an inhibitor containing a phosphate compound is used;
    - D) silica, when an inhibitor containing a silicate compound is used;
    - E) calcium;
    - F) conductivity; and
    - G) water temperature.
- c) Monitoring after installation of corrosion control.
  - 1) Large systems. Each large system supplier that installs optimal corrosion control treatment pursuant to Section 611.351(d)(4) shall measure the water quality parameters at the locations and frequencies specified in subsections (c)(3) and (c)(4) below

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

during each six-month monitoring period specified in Section 611.356(d)(2)(A)††.

- 2) Small and medium-sized systems. Each small or medium-sized system that installs optimal corrosion control treatment pursuant to Section 611.351(e)(5) shall measure the water quality parameters at the locations and frequencies specified in subsections (c)(3) and (c)(4) below during each six-month monitoring period specified in Section 611.356(d)(2)(B)†† in which the supplier exceeds the lead action level or the copper action level.
- 3) Tap water samples, two samples at each tap for each of the following watered quality parameters:
  - A) pH;
  - B) alkalinity;
  - C) orthophosphate, when an inhibitor containing a phosphate compound is used;
  - D) silica, when an inhibitor containing a silicate compound is used; and
  - E) calcium, when calcium carbonate stabilization is used as part of corrosion control.
- 4) Entry point samples, one sample at each entry point to the distribution system every two weeks (bi-weekly) for each of the following water quality parameters:
  - A) pH;
  - B) when alkalinity is adjusted as part of optimal corrosion control, a reading of the dosage rate of the chemical used to adjust alkalinity, and the alkalinity concentration; and
  - C) when a corrosion inhibitor is used as part of optimal corrosion control, a reading of the dosage rate of the inhibitor used, and the concentration of orthophosphate or silica (whichever is applicable).
- d) Monitoring after the Agency specifies water quality parameter values for optimal corrosion control.
  - 1) Large systems. After the Agency has specified the values for applicable water quality control parameters reflecting optimal corrosion control treatment pursuant to Section 611.352(f), each large system supplier shall measure the applicable water quality parameters in accordance with subsection (c) above during each six-month monitoring period specified in Section 611.356(d)(3).
  - 2) Small and medium-sized systems. Each small or medium-sized system supplier shall conduct such monitoring during each six-month monitoring period specified in Section 611.356(d)(3) in which the supplier exceeds the lead action level or the copper action level.
  - 3) Confirmation sampling.
    - A) A supplier may take a confirmation sample for any water quality parameter value no later than 3 days after it took the original sample it seeks to confirm.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- B) If a supplier takes a confirmation sample, it must average the result obtained from the confirmation sample with the result obtained from the original sample. It seeks to confirm, and the supplier shall use the average of these two results for any compliance determinations under Section 611.352(g).

- C) The Agency shall delete the results that it determines are due to obvious sampling errors from this calculation.

## e) Reduced monitoring.

- 1) Reduction in tap monitoring. A supplier that has maintained the range of values for the water quality parameters reflecting optimal corrosion control treatment during each of two consecutive six-month monitoring periods under subsection (d) above shall continue monitoring at the entry point(s) to the distribution system as specified in subsection (c)(4) above. Such a supplier may collect two samples from each tap for applicable water quality parameters from the reduced number of sites indicated in the second column of Section 611.352(f) during each subsequent six-month monitoring period.
- 2) Reduction in monitoring frequency.

- A) Stages of reductions.
- i) Annual monitoring. A supplier that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment specified pursuant to Section 611.352(f) during three consecutive years of monitoring may reduce the frequency with which it collects the number of tap samples for applicable water quality parameters specified in subsection (e)(1) above from every six months to annually.

- ii) Triennial monitoring. A supplier that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment specified pursuant to Section 611.352(f) during three consecutive years of annual monitoring under subsection (e)(2)(A)(i) above may reduce the frequency with which it collects the number of tap samples for applicable water quality parameters specified in subsection (e)(1) above from annually to once every three years.

- B) A supplier that conducts sampling annually or every three years shall collect these samples evenly throughout the calendar year so as to reflect seasonal variability.

- C) Any supplier subject to a reduced monitoring frequency pursuant to this subsection that fails to operate within the range of values for the water quality parameters specified pursuant to Section 611.352(f) shall resume tap water sampling in accordance with the number and frequency

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- requirements of subsection (d) above.
- F) Additional monitoring by systems. The results of any monitoring conducted in addition to the minimum requirements of this section shall be considered by the supplier and the Agency in making any determinations (i.e., determining concentrations of water quality parameters) under this Section or Section 611.352.

BOARD NOTE: Derived from 40 CFR 141.87 (1995) (1994).

(Source: Amended at 20 Ill. Reg. 14493, effective OCT 22 1996)

## SUBPART K: GENERAL MONITORING AND ANALYTICAL REQUIREMENTS

## Section 611.510 Special Monitoring for Unregulated Contaminants

- a) Monitoring for Phase I unregulated contaminants.

- 1) All CWS and WTNWWS suppliers shall begin monitoring for the contaminants listed in subsection (a)(5) no later than the following dates:

- A) Less than 3300 persons served: January 1, 1991.  
B) 3300 to 10,000 persons served: January 1, 1989.

- C) More than 10,000 persons served: January 1, 1988.  
2) SWS and mixed system suppliers shall sample at points in the distribution system representative of each water source or at entry points to the distribution system after any application of treatment. The minimum number of samples is one year of quarterly samples per water source.

- 3) GWS suppliers shall sample at points of entry to the distribution system representative of each well after any application of treatment. The minimum number of samples is one sample per entry point to the distribution system.

- 4) The Agency may issue a SEP pursuant to Section 610.110 to require a supplier to use a confirmation sample for results that it finds dubious for whatever reason. The Agency must state its reasons for issuing the SEP if the SEP is Agency-initiated.

- 5) List of Phase I unregulated chemical contaminants:

Bromobenzene  
Bromodichloromethane  
Bromoform  
Bromomethane  
Chlorobenzene  
Chlorodibromomethane  
Chloroethane  
Chloroform  
Chloromethane  
o-Chlorotoluene  
p-Chlorotoluene  
Dibromomethane



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

m-Dichlorobenzene  
 1,1-Dichloroethane  
 1,3-Dichloropropane  
 2,2-Dichloropropane  
 1,1-Dichloropropene  
 1,3-Dichloropropene  
 1,1,1,2-Tetrachloroethane  
 1,1,2,2-Tetrachloroethane  
 1,2,3-Trichloropropane

6) This subsection corresponds with 40 CFR 141.40(f), reserved by USEPA 8-9--BPA. This statement maintains structural consistency with USEPA 8-9--BPA rules.

7) Analyses performed pursuant to subsection (a) shall be conducted using the following USEPA 8-9--BPA Organic Methods: Methods 502.2 or 524.2 or their equivalent as approved by the Agency, except that analyses for bromodichloromethane, bromoform, chlorodibromomethane, and chloroform may also be performed using USEPA 8-9--BPA Organic Methods: Method 551, and analyses for 1,2,3-trichloropropane may also be performed using USEPA 8-9--BPA Organic Methods: Method 504.1, all of which are incorporated by reference in Section 611.102.

BOARD NOTE: Subsection (b) derived from 40 CFR 141.40(a) through (m) (1995) ¶19947y-as-amended-at-59--Fed---Reg---62469--(Dec---57 ¶9947). The Board has adopted no counterpart to 40 CFR 141.40(h), which the Board has codified at subsection (c) below; 141.40(i), which pertains to the ability of suppliers to grandfather data up until a date long since expired; 141.41(j), an optional USEPA 8-9--BPA provision relating to monitoring 15 additional contaminants that USEPA 8-9--BPA does not require for state programs; 141.40(k), which pertains to notice to the Agency by smaller suppliers up until a date long since expired in lieu of sampling; 141.40(l), which the Board has adopted at subsection (d) below; and 141.40(m), an optional provision that pertains to composite sampling. Otherwise, the structure of this Section directly corresponds with 40 CFR 141.40(a) through (m) (1995). ¶19947

b) Monitoring for Phase V unregulated contaminants. Monitoring of the unregulated inorganic contaminants listed in subsection (b)(11) below and the unregulated inorganic contaminants listed in subsection (b)(12) below shall be conducted as follows:

1) Each CWS and NTCWS supplier shall take four consecutive quarterly samples at each sampling point for each contaminant listed in subsection (b)(11) below and report the results to the Agency. Monitoring must be completed by December 31, 1995.

2) Each CWS and NTCWS supplier shall take one sample at each sampling point for each contaminant listed in subsection (b)(12) below and report the results to the Agency. Monitoring must be completed by December 31, 1995.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

3) Each CWS and NTCWS supplier may apply to the Agency for a SEP pursuant to Section 611.110 that releases it from any of the requirements of subsections (b)(1) and (b)(2) above.

4) The Agency shall grant a SEP pursuant to Section 611.110 as follows:

A) From any requirement of subsection (b)(1) above based on consideration of the factors set forth at Section 611.110(e), and

B) From any requirement of subsection (b)(2) above if previous analytical results indicate contamination would not occur, provided this data was collected after January 1, 1990.

5) A CWS supplier shall take a minimum of one sample at every entry point to the distribution system that is representative of each well after treatment ("sampling point").

6) A SWS or mixed system supplier shall take a minimum of one sample at points in the distribution system that are representative of each source or at each entry point to the system after treatment ("sampling point").

7) If the system draws water from more than one source and sources are combined before distribution, the supplier shall sample at an entry point during periods of normal operating conditions (when water representative of all sources is being used).

8) The Agency may issue a SEP pursuant to Section 610.110 to require a supplier to use a confirmation sample for results that it finds dubious for whatever reason. The Agency must state its reasons for issuing the SEP if the SEP is Agency-initiated.

9) Suppliers shall take samples at the same sampling point unless the Agency has granted a SEP allowing another sampling point because conditions make another sampling point more representative of the water from each source or treatment plant.

BOARD NOTE: Subsection (b)(9) above corresponds with duplicate segments of 40 CFR 141.40(n)(5) and (n)(6) (1995) ¶19947, which correspond with subsections (b)(5) and (b)(6) above. The Board has adopted no counterpart to 40 CFR 141.40(n)(9), an optional provision that pertains to composite sampling. Otherwise, the structure of this Section directly corresponds with 40 CFR 141.40(n) (1995) ¶19947.

10) Instead of performing the monitoring required by this subsection, a CWS and NTCWS supplier serving fewer than 150 service connections may send a letter to the Agency stating that the PWS is available for sampling. This letter must be sent to the Agency by January 1, 1994. The supplier shall not send such samples to the Agency, unless requested to do so by the Agency.

11) List of Phase V unregulated organic contaminants with methods required for analysis (all methods are from USEPA 8-9--BPA Organic Methods unless otherwise noted; all are incorporated by reference in Section 611.102):

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

Contaminant	USEPA 8-9-8-BPA Organic Methods
Aldicarb	531.1, Standard Methods, 18th ed.: Method 6610
Aldicarb sulfone	531.1, Standard Methods, 18th ed.: Method 6610
Aldicarb sulfoxide	531.1, Standard Methods, 18th ed.: Method 6610
Aldrin	505, 508, 508.1, 525.2 507, 525.2
Butachlor	531.1, Standard Methods, 18th ed.: Method 6610
Carbaryl	515.1, 515.2, 555 505, 508, 508.1, 525.2
Dicamba	531.1, Standard Methods, 18th ed.: Method 6610
Dieldrin	531.1, Standard Methods, 18th ed.: Method 6610
3-Hydroxycarbofuran	531.1, Standard Methods, 18th ed.: Method 6610
Methomyl	507, 508.1, 525.2 507, 508.1, 525.2 508, 508.1, 525.2
Metolachlor	
Metribuzin	
Propachlor	

- 12) List of unregulated inorganic contaminants (all methods indicated are incorporated by reference in Section 611.102):

## Methods

Contaminant	Methods
Sulfate	USEPA 8-9-8-BPA Environmental Inorganic Methods: Methods 300.0, 375.2; ASTM Method D 4327-91; Standard Methods, 18th ed.: Methods 4110, 4500-SO <sub>4</sub> (4)(2-) 4500-SO <sub>4</sub> (4)(2-) 4500-SO <sub>4</sub> (4)(2-) C & 4500-SO <sub>4</sub> (4)(2-) D

BOARD NOTE: Subsection (b) derived from 40 CFR 141.40(n) (1995) (1994) as amended at 59 Fed. Reg. 62471 (Dec. 5, 1994).

- c) Analyses performed pursuant to this Section must be conducted by a laboratory certified pursuant to Section 611.646(g).

BOARD NOTE: Subsection (c) derived from 40 CFR 141.40(h) (1995) (1994).

- d) All CWS and NTNCS suppliers shall repeat the monitoring required by this Section no less frequently than every five years, starting from the dates specified in subsections (a)(1) and (b)(2) above.

BOARD NOTE: Subsection (d) derived from 40 CFR 141.40 (1) (1995) (1994).

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 20 Ill. Reg. **14493**, effective **0CT 22 1996**)

## SUBPART : MICROBIOLOGICAL MONITORING AND ANALYTICAL REQUIREMENTS

## Section 611.526 Analytical Methodology

- a) The standard sample volume required for total coliform analysis, regardless of analytical method used, is 100 mL.  
 b) Suppliers need only determine the presence or absence of total coliforms, a determination of total coliform density is not required.  
 c) Suppliers shall conduct total coliform analyses in accordance with one of the following analytical methods, incorporated by reference in Section 611.102 (the time from sample collection to initiation of analysis may not exceed 30 hours, and the supplier is encouraged but not required to hold samples below 10° C during transit):

- 1) Multiple-Tube Fermentation (MTF) Technique, as set forth in Standard Methods, 18th ed.: Methods 9221 A and B:

- A) Lactose broth, as commercially available, may be used in lieu of lauryl tryptose broth if the supplier conducts at least 25 parallel tests between this medium and lauryl tryptose broth using the water normally tested and this comparison demonstrates that the false-positive rate and false negative rate for total coliforms, using lactose broth, is less than 10 percent;

- B) If inverted tubes are used to detect gas production, the media should cover these tubes at least one-half to two-thirds after the sample is added; and

- C) No requirement exists to run the completed phase on 10 percent of all total coliform-positive confirmed tubes.

- 2) Membrane Filter (MF) Technique, as set forth in Standard Methods, 18th ed.: Methods 9222 A, B, and C.

- 3) P-A Coliform Test, as set forth in: Standard Methods, 18th ed.: Method 9221 D:

- A) No requirement exists to run the completed phase on 10 percent of all total coliform-positive confirmed tubes; and  
 B) Six-times formulation strength may be used if the medium is filter-sterilized rather than autoclaved.

- 4) ONPG-MUG test is also known as the autoanalysis colilert system.)

- 5) Colisure Test from Millipore Corporation, incorporated by reference in Section 611.102. (The Colisure Test must be incubated for 28 hours before examining results. If an examination of the results at 28 hours is not convenient, then results may be examined at any time between 28 hours and 48 hours.)

BOARD NOTE: USEPA 8-9-8-BPA included the P-A Coliform and Colisure Tests for testing finished water under the coliform



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

rule, but did not include them for the purposes of the surface water treatment rule, under Section 611.531, for which quantitation of total coliforms is necessary. For these reasons, USEPA 8-6--BPA included Standard Methods: Method 9221 C for the surface water treatment rule, but did not include it for the purposes of the total coliform rule, under this Section.

d) This subsection corresponds with 40 CFR 141.21(f)(4), which USEPA 8-9-BPA has marked "reserved". This statement maintains structural consistency with the federal regulations.

e) Suppliers shall conduct fecal coliform analysis in accordance with the following procedure:

1) When the MPF Technique or P-A Coliform Test is used to test for total coliforms, shake the lactose-positive presumptive tube or P-A vigorously and transfer the growth with a sterile 3-mm loop or sterile applicator stick into brilliant green lactose bile broth and EC medium, defined below, to determine the presence of total and fecal coliforms, respectively.

2) For approved methods that use a membrane filter, transfer the total coliform-positive culture by one of the following methods: remove the membrane containing the total coliform colonies from the substrate with a sterile forceps and carefully curl and insert the membrane into a tube of EC medium. (The laboratory may first remove a small portion of selected colonies for verification); swab the entire membrane filter surface with a sterile cotton swab and transfer the inoculum to EC medium (do not leave the cotton swab in the EC medium); or inoculate individual total coliform-positive colonies into EC medium. Gently shake the inoculated tubes of EC medium to insure adequate mixing and incubate in a waterbath at  $44.5 \pm 0.2^\circ \text{C}$  for 24  $\pm$  2 hours. Gas production of any amount in the inner fermentation tube of the EC medium indicates a positive fecal coliform test.

3) EC medium is described in Standard Methods, 18th ed.: Method 9221E.

4) Suppliers need only determine the presence or absence of fecal coliforms, a determination of fecal coliform density is not required.

f) Suppliers shall conduct analysis of *E. coli* in accordance with one of the following analytical methods:

1) EC medium supplemented with 50 ug/L of MUG (final concentration). *EC* medium is as described in subsection (e). MUG may be added to *EC* medium before autoclaving. *EC* medium supplemented with 50 ug/L MUG is commercially available. At least 10 mL of *EC* medium supplemented with MUG must be used. The inner inverted fermentation tube may be omitted. The procedure for transferring a total coliform-positive culture to *EC* medium supplemented with MUG is as in subsection (e) for transferring a total coliform-positive culture to *EC* medium. Observe fluorescence with an ultraviolet light (366 nm) in the dark after incubating

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

tube at  $44.5 \pm 0.2^\circ \text{C}$  for 24  $\pm$  2 hours; or

2) Nutrient agar supplemented with 100 ug/L MUG (final concentration). Nutrient agar Ager is described in Standard Methods, 18th ed.: Method 9221 B, at pages 9-47 to 9-48. This test is used to determine if a total coliform-positive sample, as determined by the MF technique or any other method in which a membrane filter is used, contains *E. coli*. Transfer the membrane filter containing a total coliform colony or colonies to nutrient agar supplemented with 100 ug/L MUG (final concentration). After incubating the agar plate at  $35^\circ \text{C}$  for 4 hours, observe the colony or colonies under ultraviolet light (366 nm) in the dark for fluorescence. If fluorescence is visible, *E. coli* are present.

3) Minimal Medium ONPG-MUG (MMO-MUG) Test, as set forth in Section 611.531. Appendix D. (The Autoanalysis Colilert System is a MMO-MUG test.) If the MMO-MUG test is total coliform positive after a 24-hour incubation, test the medium for fluorescence with a 366-nm ultraviolet light (preferably with a 6-watt lamp) in the dark. If fluorescence is observed, the sample is *E. coli*-positive. If fluorescence is questionable (cannot be definitively read) after 24 hours incubation, incubate the culture for an additional four hours (but not to exceed 28 hours total), and again test the medium for fluorescence. The MMO-MUG test with hepes buffer is the only approved formulation for the detection of *E. coli*.

4) The Colisure Test, from Millipore Corporation, incorporated by reference in Section 611.102.

g) As an option to the method set forth in subsection (f)(3), a supplier with a total coliform-positive, MUG-negative, MMO-MUG test may further analyze the culture for the presence of *E. coli* by transferring a 0.1 mL, 28-hour MMO-MUG culture to *EC* medium + MUG with a pipet. The formulation and incubation conditions of the *EC* medium + MUG, and observation of the results are described in subsection (f)(1).

h) This subsection corresponds with 40 CFR 141.21(f)(8), a central listing of all documents incorporated by reference into the federal microbiological analytical methods. The corresponding Illinois incorporations by reference are located at Section 611.102. This statement maintains structural parity with U.S. EPA regulations.

BOARD NOTE: Derived from 40 CFR 141.21(f) [1995] ~~499477--as-amended~~ at-59-Ped-Reg-62466-(Dec-57-1994).

(Source: Amended at 20 Ill. Reg. **14493**, effective **OCT 22 1996**)

## Section 611.531 Analytical Requirements

The only the analytical method(s) specified in this Section must may be used to demonstrate compliance with the requirements of only 611.531 Subpart B; they do not

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

apply to analyses performed for the purpose of Sections 611.521 through 611.527 of this Subpart. Measurements for pH, temperature, turbidity and RDCs must be conducted under the supervision of a certified operator. Measurements for total coliforms, fecal coliforms and HPC must be conducted by a laboratory certified by the Agency to do such analysis. The following procedures must be performed by the following methods, incorporated by reference in Section 611.102:

## a) A supplier shall:

- 1) Conduct analysis of pH in accordance with one of the methods listed at Section 611.611; and
- 2) Conduct analyses of to total coliforms, fecal coliforms, heterotrophic bacteria, and turbidity--~~and~~--temperature in accordance with one of the following methods, and by using analytical test procedures contained in USEPA W-9--EPA Technical Notes, incorporated by reference in Section 611.102:

## A) Total Coliforms:

BOARD NOTE: The time from sample collection to initiation of analysis for source (raw) water samples required by Sections 611.521 and 611.532 and 611.532 and 611.532 Subpart B only must not exceed 8 hours. The supplier is encouraged but not required to hold samples below 10° C during transit.

- i) Total coliform fermentation technique: Standard Methods, 18th ed.: Method 9221 A, B, and C.  
BOARD NOTE: Lactose broth, as commercially available, may be used in lieu of lauryl tryptose broth if the supplier conducts at least 25 parallel tests between this medium and lauryl tryptose broth using the water normally tested and this comparison demonstrates that the false-positive rate and false-negative rate for total coliforms, using lactose broth, is less than 10 percent. If inverted tubes are used to detect gas production, the media should cover these tubes at least one-half to two-thirds after the sample is added. No requirement exists to run the completed phase on 10 percent of all total coliform-positive confirmed tubes.
- ii) Total coliform membrane filter technique: Standard Methods, 18th ed.: Method 9222 A, B, and C.
- iii) ONPG-MUG test (also known as the autoanalysis colilert system): Standard Methods, 18th ed.: Method 9223.  
BOARD NOTE: USEPA W-9--EPA included the P-A Coliform and Colisure Tests for testing finished water under the coliform rule, under Section 611.526, but did not include them for the purposes of the surface water treatment rule, under this Section, for which quantitation of total coliforms is necessary. For these reasons, USEPA W-9--EPA included Standard Methods: Method 9221 C for the surface water

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

treatment rule, but did not include it for the purposes of the total coliform rule, under Section 611.526.

## B) Fecal Coliforms:

BOARD NOTE: The time from sample collection to initiation of analysis for source (raw) water samples required by Sections 611.521 and 611.532 and 611.532 Subpart B only must not exceed 8 hours. The supplier is encouraged but not required to hold samples below 10° C during transit.

- i) Fecal coliform MPN procedure: Standard Methods, 18th ed.: Method 9221 E.  
BOARD NOTE: A-1 broth may be held up to three months in a tightly closed screwcap tube at 4° C (39° F).
- ii) Fecal Coliforms Membrane Filter Procedure: Standard Methods, 18th ed: Method 9222D.

## C) Heterotrophic bacteria: Pour plate method: Standard Methods, 18th ed.: Method 9215B.

BOARD NOTE: The time from sample collection to initiation of analysis must not exceed 8 hours. The supplier is encouraged but not required to hold samples below 10° C during transit.

## D) Turbidity:

- i) Nephelometric method: Standard Methods, 18th ed.: Method 2130B.
- ii) Nephelometric method: USEPA W-9--EPA Environmental Inorganic Methods: Method 180.1
- iii) GLI Method 2.

- E) Temperature: Standard Methods, 18th ed.: Method 2550.
- b) A supplier shall measure residual disinfectant concentrations with one of the following analytical methods from Standard Methods, 18th ed., and by using analytical test procedures contained in USEPA W-9--EPA Technical Notes, incorporated by reference in Section 611.102:

## 1) Free chlorine:

- A) Amperometric Titration: Method 4500-Cl D.
- B) DPD Ferrous Titrimetric: Method 4500-Cl F.
- C) DPD Colimetric: Method 4500-Cl G.
- D) Syringaldehyde (FACTS): Method 4500-Cl H.

## 2) Total chlorine:

- A) Amperometric Titration: Method 4500-Cl D.
- B) Amperometric Titration (low level measurement): Method 4500-Cl-E.
- C) DPD Ferrous Titrimetric: Method 4500-Cl F.
- D) DPD Colimetric: Method 4500-Cl G.
- E) Iodometric Electrode: Method 4500-Cl I.

## 3) Chlorine dioxide:

- A) Amperometric Titration: Method 4500-ClO[2] C or E.
- B) DPD Method: Method 4500-ClO[2] D.

- 4) Ozone: Indigo Method: Method 4500-O[3] B.



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 5) Alternative test methods: The Agency may grant a SEP pursuant to Section 611.110 that allows a supplier to use alternative chlorine test methods as follows:

- A) DPD colorimetric test kits: Residual disinfectant concentrations for free chlorine and combined chlorine may also be measured by using DPD colorimetric test kits.
- B) Continuous monitoring for free and total chlorine: Free and total chlorine residuals may be measured continuously by adapting a specified chlorine residual method for use with a continuous monitoring instrument, provided the chemistry, accuracy, and precision remain the same. Instruments used for continuous monitoring must be calibrated with a grab sample measurement at least every five days or as otherwise provided by the Agency.

BOARD NOTE: Suppliers may use a five-tube test or a ten-tube test.

BOARD NOTE: Derived from 40 CFR 141.74(a) (1995) (1994) as amended at 59-Ped-Reg-62470-1 (Dec-57-1994).

(Source: Amended at 20 Ill. Reg. 14493, effective OCT 22 1996)

## SUBPART N: INORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

## Section 611.591 Violation of State MCL

This Section applies to old MCLs that are marked as "additional State requirements" at Section 611.300, and for which no specific monitoring, reporting or public notice requirements are specified below. If the results of analysis pursuant to this Part indicates that the level of any contaminant exceeds the old MCL, the CWS supplier shall:

- a) Report to the Agency within seven days, and initiate three additional analyses at the same sampling point within one month;
- b) Notify the Agency and give public notice as specified in Subpart T, when the average of four analyses, rounded to the same number of significant figures as the old MCL for the contaminant in question, exceeds the old MCL; and,
- c) Monitor, after public notification, at a frequency designated by the Agency, and continue monitoring until the old MCL has not been exceeded in two consecutive samples, or until a monitoring schedule as a condition of a variance or enforcement action becomes effective.

BOARD NOTE: This is an additional State requirement.

(Source: Amended at 20 Ill. Reg. 14493, effective OCT 22 1996)

## Section 611.600 Applicability

The following types of suppliers shall conduct monitoring to determine

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

compliance with the old MCLs in Section 611.300 and the revised MCLs in 611.301, as appropriate, in accordance with this Subpart:

- a) CWS suppliers.
- b) NTNCWS suppliers.
- c) Transient non-CWS suppliers to determine compliance with the nitrate and nitrite MCLs.

BOARD NOTE: Derived from 40 CFR 141.23 (preamble) (1995) (1994).

- d) Detection limits. The following are detection limits for purposes of this Subpart:

Contaminant	MCL (mg/L, except asbestos)	Method	Detection Limit (mg/L)
Antimony	0.006	Atomic absorption-furnace technique	0.003
		Atomic absorption-furnace technique (stabilized temperature)	0.0008
		Inductively-coupled plasma-mass spectrometry	0.0004
		Atomic absorption-gaseous hydride technique	0.001
Asbestos	7 MFL	Transmission electron microscopy	0.01 MFL
Barium	2	Atomic absorption-furnace technique	0.002
		Atomic Absorption-direct aspiration technique	0.1
		Inductively-coupled plasma arc furnace	0.002
		Inductively-coupled plasma	0.001
Beryllium	0.004	Atomic absorption-furnace technique	0.0002
		Atomic absorption-furnace technique (stabilized temperature)	0.00002

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

Cadmium	0.005	Inductively-coupled plasma (using a 2x preconcentration step; a lower MDL is possible using 4x preconcentration)	0.0003
		Inductively-coupled plasma-mass spectrometry	
Chromium		Atomic absorption-furnace technique	0.0001
		Inductively-coupled plasma	0.001
	0.1	Atomic absorption-furnace technique	0.001
		Inductively-coupled plasma	0.007
Cyanide		Inductively-coupled plasma	0.001
		Distillation, screening spectrophotometric (screening method for total cyanides)	0.02
	0.2	Automated distillation, spectrophotometric (screening method for total cyanides)	0.005
		Distillation, selective electrode (screening method for total cyanides)	0.05
Mercury		Distillation, amenable, spectrophotometric (for free cyanides)	0.02
	0.002	Manual cold vapor technique	0.0002
Nickel		Automated cold vapor technique	0.0002
		Atomic technique	0.001
		Atomic absorption-furnace (stabilized temperature)	0.0006
	No MCL 0-1	absorption-furnace	

No MCL 0-1

0.001

0.0002

0.0006

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

Nitrate (as N)	10	Inductively-coupled plasma (using a 2x preconcentration step; a lower MDL is possible using 4x preconcentration)	0.005
		Inductively-coupled plasma-mass spectrometry	
		Manual cadmium reduction	0.01
		Automated hydrazine reduction	0.01
Nitrite (as N)	1	Automated cadmium reduction	0.05
		Ion-selective electrode	1
		Ion chromatography	0.01
		Spectrophotometric	0.01
Selenium	0.05	Automated cadmium reduction	0.05
		Manual cadmium reduction	0.01
		Ion chromatography	0.004
		Atomic absorption-furnace technique	0.002
Thallium	0.002	Atomic absorption-gaseous hydride technique	0.002
		Atomic absorption-furnace technique	0.001
		Atomic absorption-furnace technique (stabilized temperature)	0.0007
		Inductively-coupled plasma-mass spectrometry	0.0003

BOARD NOTE: Derived from 40 CFR 141.23 preamble and paragraph (a)(4)(i) (1995). See the Board Note at Section 611.301(b) relating to the MCL for nickel (1994).

(Source: Amended at 20 Ill. Reg. **14493**, effective **14493**)

## Section 611.601 Monitoring Frequency

Monitoring shall be conducted as follows:

a) Required sampling.



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 1) Each supplier shall take a minimum of one sample at each sampling point at the times required by Section 611.610 beginning in the initial compliance period.
- 2) Each sampling point must produce samples that are representative of the water from each source after treatment or from each treatment plant, as required by subsection (b) below. The total number of sampling points must be representative of the water delivered to users throughout the PWS.
- 3) The supplier shall take each sample at the same sampling point unless conditions make another sampling point more representative of each source or treatment plant and the Agency has granted a SEP pursuant to subsection (b)(5) below.

## b) Sampling points.

- 1) Sampling point for GWSs. Unless otherwise provided by SEP, a GWS supplier shall take at least one sample from each of the following points: each entry point that is representative of each well after treatment.
  - 2) Sampling points for SWSs and mixed systems. Unless otherwise provided by SEP, a SWS or mixed system supplier shall take at least one sample from each of the following points:
    - A) Each entry point after the application of treatment; or
    - B) A point in the distribution system that is representative of each source after treatment.
  - 3) If a system draws water from more than one source, and the sources are combined before distribution, the supplier shall sample at an entry point during periods of normal operating conditions when water is representative of all sources being used.
  - 4) Additional sampling points. The Agency shall, by SEP, designate additional sampling points in the distribution system or at the consumer's tap if it determines that such samples are necessary to more accurately determine consumer exposure.
  - 5) Alternative sampling points. The Agency shall, by SEP, approve alternate sampling points if the supplier demonstrates that the points are more representative than the generally required point.
- c) This subsection corresponds with 40 CFR 141.23(a)(4), an optional USEPA ~~W-5~~ BPA provision relating to compositing of samples that USEPA ~~W-5~~ BPA does not require for state programs. This statement maintains structural consistency with USEPA ~~W-5~~ BPA rules.
- d) The frequency of monitoring for the following contaminants must be in accordance with the following Sections:
- 1) Asbestos: Section 611.602;
  - 2) Antimony, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, selenium, and thallium: Section 611.603;
  - 3) Nitrate: Section 611.604; and
  - 4) Nitrite: Section 611.605.
- BOARD NOTE: Derived from 40 CFR 141.23(a) and (c) (1995) ~~†1994†~~.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 20 Ill. Reg. 14493, effective OCT 22 1996)

## Section 611.606 Confirmation Samples

- a) Where the results of sampling for antimony, asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, selenium, or thallium indicate a level in excess of the MCL, the supplier shall collect one additional sample as soon as possible after the supplier receives notification of the analytical result (but no later than two weeks after the initial sample was taken) at the same sampling point.
  - b) Where nitrate or nitrite sampling results indicate a level in excess of the MCL, the supplier shall take a confirmation sample within 24 hours after the supplier's receipt of notification of the analytical results of the first sample.
    - 1) Suppliers unable to comply with the 24-hour sampling requirement must, based on the initial sample, notify the persons served in accordance with Section 611.851.
    - 2) Suppliers exercising this option must take and analyze a confirmation sample within two weeks of notification of the analytical results of the first sample.
  - c) Averaging rules are specified in Section 611.609. The Agency shall delete the original or confirmation sample if it determines that a sampling error occurred, in which case the confirmation sample will replace the original sample.
- BOARD NOTE: Derived from 40 CFR 141.23(f) (1995) ~~†1994†~~.

(Source: Amended at 20 Ill. Reg. 14493, effective OCT 22 1996)

## Section 611.611 Inorganic Analysis

Analytical methods are from documents incorporated by reference in Section 611.102. These are mostly referenced by a short name defined by Section 611.102(a). Other abbreviations are defined in Section 611.101.

- a) Analysis for the following contaminants must be conducted using the following methods or an alternative approved pursuant to Section 611.480. Criteria for analyzing arsenic, chromium, copper, lead, nickel, selenium, sodium, and thallium with digestion or directly without digestion, and other analytical procedures, are contained in USEPA ~~W-5~~ BPA Technical Notes, incorporated by reference in Section 611.102. (This document also contains approved analytical test methods that remain available for compliance monitoring until July 1, 1996. These methods will not be available for use after July 1, 1996.)

## 1) Antimony:

- A) Inductively-coupled plasma-mass spectrometry: USEPA ~~W-5~~ BPA

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- BPA Environmental Metals Methods: Method 200.8.
- B) Atomic absorption, hydride technique: ASTM Method D3697-92.
- C) Atomic absorption, platform furnace technique: USEPA W-S-  
BPA Environmental Metals Methods: Method 200.9.
- D) Atomic absorption, furnace technique: Standard Methods, 18th ed.: Method 3113 B.
- 2) Arsenic:
- A) Inductively-coupled plasma:
- i) USEPA W-S---BPA Environmental Metals Methods: Method 200.7, or
- ii) Standard Methods (18th ed.): Method 3113 B.
- B) Inductively-coupled plasma-mass spectrometry: USEPA W-S-  
BPA Environmental Metals Methods: Method 200.8.
- C) Atomic absorption, platform furnace technique: USEPA W-S-  
BPA Environmental Metals Methods: Method 200.9.
- D) Atomic Absorption, furnace technique:
- i) ASTM Method D2972-93 C, or
- ii) Standard Methods, 18th ed.: Method 3113 B.
- E) Atomic absorption, hydride technique:
- i) ASTM Method D2972-93 B, or
- ii) Standard Methods, 18th ed.: Method 3114 B.
- 3) Asbestos: Transmission electron microscopy: USEPA W-S---BPA  
Asbestos Methods-100.1 and USEPA W-S---BPA Asbestos Methods-100.2.
- 4) Barium:
- A) Inductively-coupled plasma:
- i) USEPA W-S---BPA Environmental Metals Methods: Method 200.7, or
- ii) Standard Methods, 18th ed.: Method 3120 B.
- B) Inductively-coupled plasma-mass spectrometry: USEPA W-S-  
BPA Environmental Metals Methods: Method 200.8.
- C) Atomic absorption, direct aspiration technique: Standard Methods, 18th ed.: Method 3111 D.
- D) Atomic absorption, furnace technique: Standard Methods, 18th ed.: Method 3113 B.
- 5) Beryllium:
- A) Inductively-coupled plasma:
- i) USEPA W-S---BPA Environmental Metals Methods: Method 200.7, or
- ii) Standard Methods, 18th ed.: Method 3120 B.
- B) Inductively-coupled plasma-mass spectrometry: USEPA W-S-  
BPA Environmental Metals Methods: Method 200.8.
- C) Atomic absorption, platform furnace technique: USEPA W-S-  
BPA Environmental Metals Methods: Method 200.9.
- D) Atomic absorption, furnace technique:
- i) ASTM Method D 3645-93 B, or
- ii) Standard Methods, 18th ed.: Method 3113 B.
- 6) Cadmium:
- A) Inductively-coupled plasma arc furnace: USEPA W-S---BPA

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- Environmental Metals Methods: Method 200.7.
- B) Inductively-coupled plasma-mass spectrometry: USEPA W-S-  
BPA Environmental Metals Methods: Method 200.8.
- C) Atomic absorption, platform furnace technique: USEPA W-S-  
BPA Environmental Metals Methods: Method 200.9.
- D) Atomic absorption, furnace technique: Standard Methods, 18th ed.: Method 3113 B.
- 7) Chromium:
- A) Inductively-coupled plasma arc furnace:
- i) USEPA W-S---BPA Environmental Metals Methods: Method 200.7, or
- ii) Standard Methods, 18th ed.: Method 3120 B.
- B) Inductively-coupled plasma-mass spectrometry: USEPA W-S-  
BPA Environmental Metals Methods: Method 200.8.
- C) Atomic absorption, platform furnace technique: USEPA W-S-  
BPA Environmental Metals Methods: Method 200.9.
- D) Atomic absorption, furnace technique: Standard Methods, 18th ed.: Method 3113 B.
- 8) Cyanide:
- A) Manual distillation (Standard Methods 18th ed.: Method 4500-CN(-) C), followed by spectrophotometric, amenable:
- i) ASTM Method D203691 B,
- ii) Standard Methods, 18th ed.: Method 4500-CNG.
- B) Manual distillation (Standard Methods 18th ed.: Method 4500-CN(-) C), followed by spectrophotometric, manual:
- ASTM Method D2036-91A,
- ii) Standard Methods, 18th ed.: Method 4500-CN(-) E, or
- iii) USGS Methods: Method I-3300-85.
- C) Manual distillation (Standard Methods, 18th ed.: Method 4500-CN C), followed by semiautomated spectrophotometric: USEPA W-S---BPA Environmental Inorganic Methods: Method 335.4.
- D) Selective electrode: Standard Methods, 18th ed.: Method 4500-CN(-) F.
- 9) Fluoride:
- A) Ion Chromatography:
- i) USEPA W-S---BPA Environmental Inorganic Methods: Method 300.0,
- ii) ASTM Method D4327-91, or
- iii) Standard Methods, 18th ed.: Method 4110 B.
- B) Manual distillation, colorimetric SPADNS: Standard Methods, 18th ed.: Method 4500-F(-) B and D.
- C) Manual electrode:
- i) ASTM Method D1179-93B, or
- ii) Standard Methods, 18th ed.: Method 4500-F(-) C.
- D) Automated electrode: Technicon Methods: Method 380-75WE.
- E) Automated alizarin:
- i) Standard Methods, 18th ed.: Method 4500-F(-) E, or



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## 10) Mercury:      ii) Technicon Methods: Method 129-71W.

## A) Manual cold vapor technique:

- i) USEPA 8-S-7--EPA Environmental Metals Methods: Method 245.1,
  - ii) ASTM Method D3223-91, or
  - iii) Standard Methods, 18th ed.: Method 3112 B.
- B) Automated cold vapor technique: USEPA 8-S-7--EPA Inorganic Methods: Method 245.2.
- C) Inductively-coupled plasma-mass spectrometry: USEPA 8-S-7-EPA Environmental Metals Methods: Method 200.8.

## 11) Nickel:

- A) Inductively-coupled plasma:
  - i) USEPA 8-S-7-EPA Environmental Metals Methods: Method 200.7, or
  - ii) Standard Methods, 18th ed.: Method 3120 B.
- B) Inductively-coupled plasma-mass spectrometry: USEPA 8-S-7-EPA Environmental Metals Methods: Method 200.8.
- C) Atomic absorption, platform furnace technique: USEPA 8-S-7-EPA Environmental Metals Methods: Method 200.9;
- D) Atomic absorption, direct aspiration technique: Standard Methods, 18th ed.: Method 3111 B;
- E) Atomic absorption, furnace technique: Standard Methods, 18th ed.: Method 3113 B;

## 12) Nitrate:

- A) Ion chromatography:
  - i) USEPA 8-S-7-EPA Environmental Inorganic Methods: Method 300.0,
  - ii) ASTM Method D4327-91,
  - iii) Standard Methods, 18th ed.: Method 4110B, or
  - iv) Waters Test Method B-1011, available from Millipore Corporation.

## B) Automated cadmium reduction:

- i) USEPA U.S. EPA Environmental Inorganic Methods: Method 353.2,
  - ii) ASTM Method D3867-90 A, or
  - iii) Standard Methods, 18th ed.: Method 4500-NO[3](-) F.
- C) Ion selective electrode:
  - i) Standard Methods, 18th ed.: Method 4500-NO[3](-) D, or
  - ii) Technical Bulletin 601.
- D) Manual cadmium reduction:
  - i) ASTM Method D3867-90 B, or
  - ii) Standard Methods, 18th ed.: Method 45-NO[3](-) E.

## 13) Nitrite:

- A) Ion chromatography:
  - i) USEPA 8-S-7-EPA Environmental Inorganic Methods: Method 300.0,

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- ii) ASTM Method D4327-91,
- iii) Standard Methods, 18th ed.: Method 4110 B, or
- iv) Waters Test Method B-1011, available from Millipore Corporation.

## B) Automated cadmium reduction:

- i) USEPA 8-S-7-EPA Environmental Inorganic Methods: Method 353.2,
  - ii) ASTM Method D3867-90 A, or
  - iii) Standard Methods, 18th ed.: Method 4500-NO[3](-) F.
- C) Manual cadmium reduction:
  - i) ASTM Method D3867-90 B, or
  - ii) Standard Methods, 18th ed.: Method 4500-NO[3](-) E.
- D) Spectrophotometric: Standard Methods, 18th ed.: Method 4500-NO[2](-) B.

## 14) Selenium:

- A) Atomic absorption, hydride:
  - i) ASTM Method D385993 A, or
  - ii) Standard Methods, 18th ed.: Method 3114 B.
- B) Inductively-coupled plasma-mass spectrometry: USEPA 8-S-7-EPA Environmental Metals Methods: Method 200.8.
- C) Atomic absorption, platform furnace technique: USEPA 8-S-7-EPA Environmental Metals Methods: Method 200.9.
- D) Atomic absorption, furnace technique:
  - i) ASTM Method D3859-93 B, or
  - ii) Standard Methods, 18th ed.: Method 3113 B.

## 15) Thallium:

- A) Inductively-coupled plasma-mass spectrometry: USEPA 8-S-7-EPA Environmental Metals Methods: Method 200.8.
- B) Atomic absorption, platform furnace technique: USEPA 8-S-7-EPA Environmental Metals Methods: Method 200.9.

## 16) Lead:

- A) Atomic absorption, furnace technique:
  - i) ASTM Method D3559-90 D, or
  - ii) Standard Methods, 18th ed.: Method 3113 B.
- B) Inductively-coupled plasma-mass spectrometry: USEPA 8-S-7-EPA Environmental Metals Methods: Method 200.8.
- C) Atomic absorption, platform furnace technique: USEPA 8-S-7-EPA Environmental Metals Methods: Method 200.9.

## 17) Copper:

- A) Atomic absorption, furnace technique:
  - i) ASTM Method D1688-90 C, or
  - ii) Standard Methods, 18th ed.: Method 3113 B.
- B) Atomic absorption, direct aspiration:
  - i) ASTM Method D1688-90 A, or
  - ii) Standard Methods, 18th ed.: Method 3111 B.
- C) Inductively-coupled plasma:
  - i) USEPA U.S. EPA Environmental Metals Methods: Method 200.7, or

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- ii) Standard Methods, 18th ed.: Method 3120 B.  
Inductively-coupled plasma-mass spectrometry: USEPA W-5-  
BPA Environmental Metals Methods: Method 200.8.  
E) Atomic absorption, platform furnace technique: USEPA W-5-  
BPA Environmental Metals Methods: Method 200.9.
- 18) pH:  
A) Electrometric:  
i) USEPA W-5--BPA Inorganic Methods: Method 150.1,  
ii) ASTM Method D1293-84, or  
iii) Standard Methods, 18th ed.: Method 4500-H(+) B.  
B) USEPA W-5--BPA inorganic Methods: Method 150.2.
- 19) Conductivity: Conductance:  
A) ASTM Method D1125-91 A, or  
B) Standard Methods, 18th ed.: Method 2510 B.
- 20) Calcium:  
A) EDTA titrimetric:  
i) ASTM Method, D511-93 A, or  
ii) Standard Methods, 18th ed.: Method 3500-Ca D.  
B) Atomic absorption, direct aspiration:  
i) ASTM Method D511-93 B, or  
ii) Standard Methods, 18th ed.: Method 3111 B.  
C) Inductively-coupled plasma:  
i) USEPA W-5--BPA Environmental Metals Methods: Method 200.7, or  
ii) Standard Methods, 18th ed.: Method 3120 B.
- 21) Alkalinity:  
A) Titrimetric:  
i) ASTM Method D1067-92 B, or  
ii) Standard Methods, 18th ed.: Method 2320 B.  
B) Electrometric titration: USGS Methods: Method I-1030-85.
- 22) Orthophosphate (unfiltered, without digestion or hydrolysis):  
A) Automated colorimetric, ascorbic acid:  
i) USEPA W-5--BPA Environmental Inorganic Methods: Method 365.1, or  
ii) Standard Methods, 18th ed.: Method 4500-P F.  
B) Single reagent colorimetric, ascorbic acid:  
i) ASTM Method D515-88 A, or  
ii) Standard Methods, 18th ed.: Method 4500-P E.  
C) Colorimetric, phosphomolybdate: USGS Methods: Method I-1601-85.  
D) Colorimetric, phosphomolybdate, automated-segmented flow:  
USGS Methods: Method I-2601-90.  
E) Colorimetric, phosphomolybdate, automated discrete discrete:  
USGS Methods: Method I-2598-85.  
F) Ion Chromatography:  
i) USEPA W-5--BPA Environmental Inorganic Methods: Method 300.0,  
ii) ASTM Method D4327-91, or

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- iii) Standard Methods, 18th ed.: Method 4110.
- 23) Silica:  
A) Colorimetric, molybdate blue: USGS Methods: Method I-1700-85.  
B) Colorimetric, molybdate blue, automated-segmented flow: USGS Methods: Method I-2700-85.  
C) Colorimetric: ASTM Method D859-88.  
D) Molybdosilicate: Standard Methods, 18th ed.: Method 4500-Si D.  
E) Heteropoly blue: Standard Methods, 18th ed.: Method 4500-Si E.  
F) Automated method for molybdate-reactive silica: Standard Methods, 18th ed.: Method 4500-Si F.  
G) Inductively-coupled plasma:  
i) USEPA W-5--BPA Environmental Metals Methods: Method 200.7, or  
ii) Standard Methods, 18th ed.: Method 3120 B.
- 24) Temperature: thermometric: Standard Methods, 18th ed.: Method 2550 B.
- 25) Sodium:  
A) Inductively-coupled plasma: USEPA W-5--BPA Environmental Metals Methods: Method 200.7.  
B) Atomic absorption, direct aspiration: Standard Methods: Method 3111 B.
- b) Sample collection for antimony, asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel, nitrate, nitrite, selenium, and thallium pursuant to Sections 611.600 through 611.604 must be conducted using the following sample preservation, container and maximum holding time procedures:  
1) Antimony:  
A) Preservative: Concentrated nitric acid to pH less than 2. If--nitric--acid--cannot--be--used--because--of--shipping restrictions, the sample may initially be preserved by icing and immediately shipping it to the laboratory. Upon receipt in the laboratory, the sample must be acidified with concentrated nitric acid to pH less than 2. At the time of sample analysis, the sample container must be thoroughly rinsed with 1:1 nitric acid; washings must be added to the sample.  
B) Plastic or glass (hard or soft).  
C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 6 months.
- 2) Asbestos:  
A) Preservative: Cool to 4° C.  
B) Plastic or glass (hard or soft).
- 3) Barium:  
A) Preservative: Concentrated nitric acid to pH less than 2. If--nitric--acid--cannot--be--used--because--of--shipping



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

restrictions, the sample may initially be preserved by icing and immediately shipping it to the laboratory. Upon receipt in the laboratory, the sample must be acidified with concentrated nitric acid to pH less than 2. At the time of sample analysis, the sample container must be thoroughly rinsed with 1:1 nitric acid; washings must be added to the sample.

- B) Plastic or glass (hard or soft).  
C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 6 months.

## 4) Beryllium:

- A) Preservative: Concentrated nitric acid to pH less than 2. If nitric acid cannot be used because of shipping restrictions, the sample may initially be preserved by icing and immediately shipping it to the laboratory. Upon receipt in the laboratory, the sample must be acidified with concentrated nitric acid to pH less than 2. At the time of sample analysis, the sample container must be thoroughly rinsed with 1:1 nitric acid; washings must be added to the sample.

- B) Plastic or glass (hard or soft).

- C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 6 months.

## 5) Cadmium:

- A) Preservative: Concentrated nitric acid to pH less than 2. If nitric acid cannot be used because of shipping restrictions, the sample may initially be preserved by icing and immediately shipping it to the laboratory. Upon receipt in the laboratory, the sample must be acidified with concentrated nitric acid to pH less than 2. At the time of sample analysis, the sample container must be thoroughly rinsed with 1:1 nitric acid; washings must be added to the sample.

- B) Plastic or glass (hard or soft).

- C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 6 months.

## 6) Chromium:

- A) Preservative: Concentrated nitric acid to pH less than 2. If nitric acid cannot be used because of shipping restrictions, the sample may initially be preserved by icing and immediately shipping it to the laboratory. Upon receipt in the laboratory, the sample must be acidified with concentrated nitric acid to pH less than 2. At the time of sample analysis, the sample container must be thoroughly rinsed with 1:1 nitric acid; washings must be added to the sample.

- B) Plastic or glass (hard or soft).

- C) Holding time: Samples must be analyzed as soon after

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

collection as possible, but in any event within 6 months.

## 7) Cyanide:

- A) Preservative: Cool to 4°C. Add sodium hydroxide to pH > 12. See the analytical methods for information on sample preservation.

- B) Plastic or glass (hard or soft).

- C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 14 days.

## 8) Fluoride:

- A) Preservative: None.

- B) Plastic or glass (hard or soft).

- C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 1 month.

## 9) Mercury:

- A) Preservative: Concentrated nitric acid to pH less than 2. If nitric acid cannot be used because of shipping restrictions, the sample may initially be preserved by icing and immediately shipping it to the laboratory. Upon receipt in the laboratory, the sample must be acidified with concentrated nitric acid to pH less than 2. At the time of sample analysis, the sample container must be thoroughly rinsed with 1:1 nitric acid; washings must be added to the sample.

- B) Plastic or glass (hard or soft).

- C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 28 days.

## 10) Nickel:

- A) Preservative: Concentrated nitric acid to pH less than 2. If nitric acid cannot be used because of shipping restrictions, the sample may initially be preserved by icing and immediately shipping it to the laboratory. Upon receipt in the laboratory, the sample must be acidified with concentrated nitric acid to pH less than 2. At the time of sample analysis, the sample container must be thoroughly rinsed with 1:1 nitric acid; washings must be added to the sample.

- B) Plastic or glass (hard or soft).

- C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 6 months.

## 11) Nitrate, chlorinated:

- A) Preservative: Cool to 4°C.

- B) Plastic or glass (hard or soft).

- C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 28 days.

## 12) Nitrate, non-chlorinated:

- A) Preservative: Concentrated sulfuric acid to pH less than 2. B) Plastic or glass (hard or soft).

- C) Holding time: Samples must be analyzed as soon after

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

collection as possible, but in any event within 14 days.

## 13) Nitrite:

- A) Preservative: Cool to 4° C.
- B) Plastic or glass (hard or soft).
- C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 48 hours.

## 14) Selenium:

- A) Preservative: Concentrated nitric acid to pH less than 2. If nitric acid cannot be used because of shipping restrictions, the sample may initially be preserved by icing and immediately shipping it to the laboratory. Upon receipt in the laboratory, the sample must be acidified with concentrated nitric acid to pH less than 2. At the time of sample analysis, the sample container must be thoroughly rinsed with 1:1 nitric acid; washings must be added to the sampler.

- B) Plastic or glass (hard or soft).

- C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 6 months.

## 15) Thallium:

- A) Preservative: Concentrated nitric acid to pH less than 2. If nitric acid cannot be used because of shipping restrictions, the sample may initially be preserved by icing and immediately shipping it to the laboratory. Upon receipt in the laboratory, the sample must be acidified with concentrated nitric acid to pH less than 2. At the time of sample analysis, the sample container must be thoroughly rinsed with 1:1 nitric acid; washings must be added to the sampler.

- B) Plastic or glass (hard or soft).

- C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 6 months.

- c) Analyses under this Subpart must be conducted by laboratories that received approval from USEPA 8-9-EPA or the Agency. Laboratories may conduct sample analyses for antimony, beryllium, cyanide, nickel, and thallium under provisional certification granted by the Agency until January 1, 1996. The Agency shall certify laboratories to conduct analyses for antimony, asbestos, barium, cerium, cadmium, chromium, cyanide, fluoride, mercury, nickel, nitrate, nitrite, selenium, and thallium if the laboratory:

- 1) Analyzes performance evaluation samples, provided by the Agency pursuant to 35 Ill. Adm. Code 183.125(c), that include those substances at levels not in excess of levels expected in drinking water; and
- 2) Achieves quantitative results on the analyses within the following acceptance limits:

- A) Antimony:  $\pm 30\%$  at greater than or equal to 0.006 mg/L.

BOARD-NOTE:--40--CPR--14123(k)(3)--(1994)--as-renumbered-

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

actually lists--6#384--as-the-acceptance-limit-for--antimony--the--Board--corrected--this--to--4--304--based-on-the-discussion-at-57-Ped--Reg--31801--

- B) Asbestos: 2 standard deviations based on study statistics.
- C) Barium:  $\pm 15\%$  at greater than or equal to 0.15 mg/L.
- D) Beryllium:  $\pm 15\%$  at greater than or equal to 0.001 mg/L.
- E) Cadmium:  $\pm 20\%$  at greater than or equal to 0.002 mg/L.
- F) Chromium:  $\pm 15\%$  at greater than or equal to 0.01 mg/L.
- G) Cyanide:  $\pm 25\%$  at greater than or equal to 0.1 mg/L.
- H) Fluoride:  $\pm 10\%$  at 1 to 10 mg/L.
- I) Mercury:  $\pm 30\%$  at greater than or equal to 0.0005 mg/L.
- J) Nickel:  $\pm 15\%$  at greater than or equal to 0.01 mg/L.
- K) Nitrate:  $\pm 10\%$  at greater than or equal to 0.4 mg/L.
- L) Nitrite:  $\pm 15\%$  at greater than or equal to 0.4 mg/L.
- M) Selenium:  $\pm 20\%$  at greater than or equal to 0.01 mg/L.
- N) Thallium:  $\pm 30\%$  at greater than or equal to 0.002 mg/L.

BOARD NOTE: Subsection (e) is derived from the table to 40 CFR 141.23(k)(2) (1995) (1994)--as-renumbered-at-59-Ped-Reg--62466-(Dec-57-1994)--and the discussion at 57 Fed. Reg. 31809 July 17, 1992). Section 611.609 is derived from 40 CFR 141.23(k) (1995) (1994)--as-amended-at-59--Ped--Reg--62466-(Dec-57-1994--.

(Source: Amended at 20 Ill. Reg. 14493, effective

OCT 2 2 1996)

## Section 611.630 Special Monitoring for Sodium

- a) CWS suppliers shall collect and analyze one sample per plant at the entry point of the distribution system for the determination of sodium concentration levels; samples must be collected and analyzed annually for CWSs utilizing surface water sources in whole or in part, and at least every three years for CWSs utilizing solely groundwater sources. The minimum number of samples required to be taken by the supplier is based on the number of treatment plants used by the supplier, except that multiple wells drawing raw water from a single aquifer may, with the Agency approval, be considered one treatment plant for determining the minimum number of samples. The Agency shall require the supplier to collect and analyze water samples for sodium more frequently in locations where the sodium content is variable.

- b) The CWS supplier shall report to the Agency the results of the analyses for sodium within the first 10 days of the month following the month in which the sample results were received or within the first 10 days following the end of the required monitoring period as specified by SEP, whichever of these if first. If more than annual sampling is required, the supplier shall report the average sodium concentration within 10 days of the month following the month in which the analytical results of the last sample used for the annual average



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

was received.

c) The CWS supplier shall notify the Agency and appropriate local public health officials of the sodium levels by written notice by direct mail within three months. A copy of each notice required to be provided by this subsection must be sent to the Agency within 10 days of its issuance.

d) Analyses for sodium must be conducted as directed in Section 611.611(a).

BOARD NOTE: Derived from 40 CFR 141.42 (1994), as amended at 59 Fed. Reg. 62470 (Dec. 5, 1994).

(Source: Amended at 20 Ill. Reg. 14493, effective OCT 22 1996)

## SUBPART O: ORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

## Section 611.641 Old MCLs

a) An analysis of substances for the purpose of determining compliance with the old MCLs of Section 611.310 must be made as follows:

1) The Agency shall, by SEP, require CWS suppliers utilizing surface water sources to collect samples during the period of the year when contamination by pesticides is most likely to occur. The Agency shall require the supplier to repeat these analyses at least annually.

2) The Agency shall, by SEP, require CWS suppliers utilizing only groundwater sources to collect samples at least once every three years.

b) If the result of an analysis made pursuant to subsection (a) indicates that the level of any contaminant exceeds its old MCL, the CWS supplier shall report to the Agency within 7 days and initiate three additional analyses within one month.

c) When the average of four analyses made pursuant to subsection (a), rounded to the same number of significant figures as the MCL for the substance in question, exceeds the old MCL, the CWS supplier shall report to the Agency and give notice to the public pursuant to Subpart T. Monitoring after public notification must be at a frequency designated by the Agency and must continue until the MCL has not been exceeded in two successive samples or until a monitoring schedule as a condition to a variance, adjusted standard or enforcement action becomes effective.

d) Analysis made to determine compliance with the old MCLs of Section 611.310 must be made in accordance with the appropriate methods specified in Section 611.645 611-648.

BOARD NOTE: This provision now applies only to state-only MCLs. It was formerly derived from 40 CFR 141.24(a) through (e), which USEPA 8-9--EPA removed and reserved at 59 Fed. Reg. 34323 (July 1, 1994).

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

(Source: Amended at 20 Ill. Reg. 14493, effective OCT 22 1996)

## Section 611.645 Analytical Methods for Organic Chemical Contaminants

Analysis for the Section 611.311(a) VOCs under Section 611.646~~17~~ the Section 611.311(c) SOCs under Section 611.648~~17~~ and the Section 611.310 oldorganic MCLs under Section 611.641~~7~~ and for THMs, TTHMs, and TTHM potential shall be conducted using the methods listed in this Section or by equivalent methods as approved by the Agency pursuant to Section 611.480. All methods are from U.S. EPA Organic Methods unless otherwise indicated.

## Volatile Organic Chemical Contaminants (VOCs):

Contaminant	Analytical Methods
Benzene	502.2, 524.2
Carbon tetrachloride	502.2, 524.2, 551
Chlorobenzene	502.2, 524.2
1,2-Dichlorobenzene	502.2, 524.2
1,4-Dichlorobenzene	502.2, 524.2
1,2-Dichloroethane	502.2, 524.2
cis-Dichloroethylene	502.2, 524.2
trans-Dichloroethylene	502.2, 524.2
Dichloromethane	502.2, 524.2
1,2-Dichloropropane	502.2, 524.2
Ethylbenzene	502.2, 524.2
Styrene	502.2, 524.2
Tetrachloroethylene	502.2, 524.2, 551
1,1,1-Trichloroethane	502.2, 524.2, 551
Trichloroethylene	502.2, 524.2, 551
Toluene	502.2, 524.2

POLLUTION CONTROL BOARD  
NOTICE OF ADOPTED AMENDMENTS

1,2,4-Trichlorobenzene	502.2, 524.2
1,1-Dichloroethylene	502.2, 524.2
1,1,2-Trichloroethane	502.2, 524.2
Vinyl chloride	502.2, 524.2
Xylenes (total)	502.2, 524.2
Synthetic Organic Chemical Contaminants (SOCs):	
Contaminant	Analytical Methods
2,3,7,8-Tetrachlorodibenzodioxin (2,3,7,8-TCDD or dioxin)	Dioxin and Furan Method 1613
2,4-D	515.1, 515.2, 555
2,4,5-TP (Silvex)	515.1, 515.2, 555
Alachlor	505*, 507, 508.1, 525.2
Atrazine	505*, 507, 508.1, 525.2
Benzo(a)pyrene	525.2, 550, 550.1
Carbofuran	531.1, Standard Methods, 18th ed.: Method 6610
Chlordane	505, 508, 508.1, 525.2
Dalapon	515.1, 552.1
Di(2-ethylhexyl)adipate	506, 525.2
Di(2-ethylhexyl)phthalate	506, 525.2
Dibromochloropropane (DBCP)	504.1, 551
Dinoseb	515.1, 515.2, 555
Diquat	549.1

POLLUTION CONTROL BOARD  
NOTICE OF ADOPTED AMENDMENTS

Endothall	548.1
Endrin	505, 508, 508.1, 525.2
Ethylene Dibromide (EDB)	504.1, 551
Glyphosate	547, Standard Methods, 18th ed.: Method 6651
Heptachlor	505, 508, 508.1, 525.2
Heptachlor Epoxide	505, 508, 508.1, 525.2
Hexachlorobenzene	505, 508, 508.1, 525.2
Hexachlorocyclopentadiene	505, 508, 508.1, 525.2
Lindane	505, 508, 508.1, 525.2
Methoxychlor	505, 508, 508.1, 525.2
Oxamyl	531.1, Standard Methods, 18th ed.: Method 6610
PCBs (measured for compliance purposes as dechlorobiphenyl)	508A
PCBs (qualitatively identified as Aracolors)	505, 508
Pentachlorophenol	515.1, 515.2, 525.2, 555
Picloram	515.1, 515.2, 555
Simazine	505*, 507, 508.1, 525.2



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

Toxaphene	505, 508, 525.2
Total Trihalomethanes (TTHMs):	
Contaminant	Analytical Methods
Total Trihalomethanes (TTHMs) L	502.2, 524.2, 551
Trihalomethanes (THMs), and	
Maximum Total Trihalomethane	
Potential	
State-Only MCLs (for which a method is not listed above):	
Contaminant	Analytical Methods
Aldrin	505, 508, 508.1,
	525.2
DPT	505, 508
Dieldrin	505, 508, 508.1,
	525.2

\* denotes that for the particular contaminant, a nitrogen-phosphorus detector should be substituted for the electron capture detector in method 505 (or another approved method should be used) to determine alachlor ~~atrazine~~, atrazine, and simazine if lower detection limits are required.

BOARD NOTE: Derived from 40 CFR 141.24 (1995) (1994)-as-added-at-59-Ped--Reg-62469-(Dec--57-1994).

(Source: Amended at 20 Ill. Reg. **14493**, effective OCT 22 1996)

### Section 611.646 Phase I, Phase II, and Phase V Volatile Organic Contaminants

Monitoring of the Phase I VOCs and Phase II VOCs for the purpose of determining compliance with the MCL must be conducted as follows:

a) Definitions. As used in this Section:

"Detect" and "detection" means that the contaminant of interest is present at a level greater than or equal to the "detection limit".

"Detection limit" means 0.0005 mg/L.

BOARD NOTE: Derived from 40 CFR 141.24(f)(7), (f)(11), (f)(14)(i), and (f)(20) (1994). This is a "trigger level" for Phase I, Phase II, and Phase V VOCs inasmuch as it prompts

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

further action. The use of the term "detect" in this section is not intended to include any analytical capability of quantifying lower levels of any contaminant, or the "method detection limit". Note, however that certain language at the end of federal paragraph (f)(20) is capable of meaning that the "method detection limit" is used to derive the "detection limit". The Board has chosen to disregard that language at the end of paragraph (f)(20) in favor of the more direct language of paragraphs (f)(7) and (f)(11).

"Method detection limit", as used in subsections (q) and (t) below means the minimum concentration of a substance that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero and is determined from analysis of a sample in a given matrix containing the analyte.

BOARD NOTE: Derived from 40 CFR 136, Appendix B (1994). The method detection limit is determined by the procedure set forth in 40 CFR 136, Appendix B. See subsection (t) below.

- b) Required sampling. Each supplier shall take a minimum of one sample at each sampling point at the times required in subsection (u) below.
- c) Sampling points.
  - 1) Sampling points for GWSs. Unless otherwise provided by SEP, a GWS supplier shall take at least one sample from each of the following points: each entry point that is representative of each well after treatment.
  - 2) Sampling points for SWSs and mixed systems. Unless otherwise provided by SEP, a SWS or mixed system supplier shall sample from each of the following points:
    - A) Each entry point after treatment; or
    - B) Points in the distribution system that are representative of each source.
  - 3) The supplier shall take each sample at the same sampling point unless the Agency has granted a SEP that designates another location as more representative of each source, treatment plant, or within the distribution system.
  - 4) If a system draws water from more than one source, and the sources are combined before distribution, the supplier shall sample at an entry point during periods of normal operating conditions when water is representative of all sources being used.
- d) BOARD NOTE: Subsections (b) and (c) above derived from 40 CFR 141.24(f)(1) through (f)(3) (1994).
- e) Each CWS and NTNCWS supplier shall take four consecutive quarterly samples for each of the Phase I VOCs, excluding vinyl chloride, and Phase II VOCs during each compliance period, beginning in the compliance period starting in the initial compliance period.
- f) Reduction to annual monitoring frequency. If the initial monitoring

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

for the Phase I, Phase II, and Phase V VOCs as allowed in subsection (f)(1) below has been completed by December 31, 1992, and the supplier did not detect any of the Phase I VOCs, including vinyl chloride, Phase II, or Phase V VOCs, then the supplier shall take one sample annually beginning in the initial compliance period.

f) GWS reduction to triennial monitoring frequency. After a minimum of three years of annual sampling, GWS suppliers that have not previously detected any of the Phase I VOCs, including vinyl chloride, Phase II, or Phase V VOCs shall take one sample during each three-year compliance period.

g) A GWS or NTCWS supplier that has completed the initial round of monitoring required by subsection (d) above and which did not detect any of the Phase I VOCs, including vinyl chloride, Phase II, and Phase V VOCs may apply to the Agency for a SEP pursuant to Section 611.110 that releases it from the requirements of subsection (e) or (f) above. A supplier that serves fewer than 3300 service connections may apply to the Agency for a SEP pursuant to Section 611.110 that releases it from the requirements of subsection (d) above as to 1,2,4-trichlorobenzene.

BOARD NOTE: Derived from 40 CFR 141.24(f)(7) and (f)(10) (1994), and the discussion at 57 Fed. Reg. 31825 (July 17, 1992).

Provisions concerning the term of the waiver appear below in subsections (i) and (j) below. The definition of "detect", parenthetically added to the federal counterpart paragraph is in subsection (a) above.

h) Vulnerability Assessment. The Agency shall consider the factors of Section 611.110(e) in granting a SEP from the requirements of subsections (d), (e), or (f) above sought pursuant to subsection (g) above.

i) A SEP issued to a GWS pursuant to subsection (g) above is for a maximum of six years, except that a SEP as to the subsection (d) above monitoring for 1,2,4-trichlorobenzene shall apply only to the initial round of monitoring. As a condition of a SEP, except as to a SEP from the initial round of subsection (d) above monitoring for 1,2,4-trichlorobenzene, the supplier shall, within 30 months after the beginning of the period for which the waiver was issued, reconfirm its vulnerability assessment required by subsection (h) above and submitted pursuant to subsection (g) above, by taking one sample at each sampling point and reapplying for a SEP pursuant to subsection (g) above. Based on this application, the Agency shall either:

1) If it determines that the PWS meets the standard of Section 611.610(e), issue a SEP that reconfirms the prior SEP for the remaining three-year compliance period of the six-year maximum term; or,

2) Issue a new SEP requiring the supplier to sample annually.

BOARD NOTE: This provision does not apply to SWSs and mixed systems.

j) Special considerations for SEPs for SWS and mixed systems.

1) The Agency must determine that a SWS is not vulnerable before

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

issuing a SEP pursuant to a SWS supplier. A SEP issued to a SWS or mixed system supplier pursuant to subsection (g) above is for a maximum of one compliance period; and

2) The Agency may require, as a condition to a SEP issued to a SWS or mixed supplier, that the supplier take such samples for Phase I, Phase II, at such a frequency as the Agency determines are necessary, based on the vulnerability assessment.

BOARD NOTE: There is a great degree of similarity between 40 CFR 141.24(f)(7), the provision applicable to GWSs, and 40 CFR 141.24(f)(10), the provision for SWSs. The Board has consolidated the common requirements of both paragraphs into subsection (g) above. Subsection (j) above represents the elements unique to SWSs and mixed systems, and subsection (i) above relates to GWSs. Although 40 CFR 141.24(f)(7) and (f)(10) are silent as to mixed systems, the Board has included mixed systems with SWSs because this best follows the federal scheme for all other contaminants.

k) If one of the Phase I VOCs, excluding vinyl chloride, Phase II, or Phase V VOCs is detected in any sample, then:

1) The supplier shall monitor quarterly for that contaminant at each sampling point that resulted in a detection.

2) Annual monitoring.

A) The Agency shall grant a SEP pursuant to Section 611.110 that allows a supplier to reduce the monitoring frequency to annual at a sampling point if it determines that the sampling point is reliably and consistently below the MCL.

B) A request for a SEP must include the following minimal information:

i) For a GWS, two quarterly samples.

ii) For a SWS or mixed system, four quarterly samples.

C) In issuing a SEP, the Agency shall specify the level of the contaminant upon which the "reliably and consistently" determination was based. All SEPs that allow less frequent monitoring based on an Agency "reliably and consistently" determination shall include a condition requiring the supplier to resume quarterly monitoring pursuant to subsection (k)(1) above if it violates the MCL specified by Section 611.311.

3) Suppliers that monitor annually shall monitor during the quarter(s) that previously yielded the highest analytical result.

4) Suppliers that do not detect a contaminant at a sampling point in three consecutive annual samples may apply to the Agency for a SEP pursuant to Section 611.110 that allows it to discontinue monitoring for that contaminant at that point, as specified in subsection (g) above.

5) A GWS supplier that has detected one or more of the two-carbon contaminants listed in subsection (k)(5)(A) below shall monitor quarterly for vinyl chloride as described in subsection (k)(5)(B)



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

below, subject to the limitation of subsection (k)(5)(C) below.

- A) Two-carbon contaminants (Phase I or II VOC):
  - 1,2-Dichloroethane (Phase I)
  - 1,1-Dichloroethylene (Phase I)
  - cis-1,2-Dichloroethylene (Phase II)
  - trans-1,2-Dichloroethylene (Phase II)
  - Tetrachloroethylene (Phase II)
  - 1,1,1-Trichloroethylene (Phase I)
  - Trichloroethylene (Phase I)
- B) The supplier shall sample quarterly for vinyl chloride at each sampling point at which it detected one or more of the two-carbon contaminants listed in subsection (k)(5)(A) above.
- C) The Agency shall grant a SEP pursuant to Section 611.110 that allows the supplier to reduce the monitoring frequency for vinyl chloride at any sampling point to once in each three-year compliance period if it determines that the supplier has not detected vinyl chloride in the first sample required by subsection (k)(5)(B) above.
- 1) Quarterly monitoring following MCL violations.
  - 1) Suppliers that violate an MCL for one of the Phase I VOCs, including vinyl chloride, Phase II, or Phase V VOCs, as determined by subsection (o) below, shall monitor quarterly for that contaminant, at the sampling point where the violation occurred, beginning the next quarter after the violation.
  - 2) Annual monitoring.
    - A) The Agency shall grant a SEP pursuant to Section 611.110 that allows a supplier to reduce the monitoring frequency to annually if it determines that the sampling point is reliably and consistently below the MCL.
    - B) A request for a SEP must include the following minimal information: four quarterly samples.
    - C) In issuing a SEP, the Agency shall specify the level of the contaminant upon which the "reliably and consistently" determination was based. All SEPs that allow less frequent monitoring based on an Agency "reliably and consistently" determination shall include a condition requiring the supplier to resume quarterly monitoring pursuant to subsection (1)(1) above if it violates the MCL specified by Section 611.311.
    - D) The supplier shall monitor during the quarter(s) that previously yielded the highest analytical result.
- m) Confirmation samples. The Agency may issue a SEP pursuant to Section 610.110 to require a supplier to use a confirmation sample for results that it finds dubious for whatever reason. The Agency must state its reasons for issuing the SEP if the SEP is Agency-initiated.
  - 1) If a supplier detects any of the Phase I, Phase II, or Phase V VOCs in a sample, the supplier shall take a confirmation sample

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

as soon as possible, but no later than 14 days after the supplier receives notice of the detection.

- 2) Averaging is as specified in subsection (o) below.
- 3) The Agency shall delete the original or confirmation sample if it determines that a sampling error occurred, in which case the confirmation sample will replace the original or confirmation sample.
- n) This subsection corresponds with 40 CFR 141.24(f)(14), an optional USEPA 8-S--BPA provision relating to compositing of samples that USEPA 8-S--BPA does not require for state programs. This statement maintains structural consistency with USEPA 8-S--BPA rules.
- o) Compliance with the MCLs for the Phase I, Phase II, and Phase V VOCs must be determined based on the analytical results obtained at each sampling point.
  - 1) For suppliers that conduct monitoring at a frequency greater than annual, compliance is determined by a running annual average of all samples taken at each sampling point.
  - A) If the annual average of any sampling point is greater than the MCL, then the supplier is out of compliance.
  - B) If the initial sample or a subsequent sample would cause the annual average to exceed the MCL, then the supplier is out of compliance immediately.
  - C) Any samples below the detection limit shall be deemed as zero for purposes of determining the annual average.
  - 2) If monitoring is conducted annually, or less frequently, the supplier is out of compliance if the level of a contaminant at any sampling point is greater than the MCL. If a confirmation sample is taken, the determination of compliance is based on the average of two samples.
  - 3) When the portion of the distribution system that is out of compliance is separable from other parts of the distribution system and has no interconnections, the supplier may issue the public notice required by Subpart T of this Part only to persons served by that portion of the distribution system that is not in compliance.
- p) This provision corresponds with 40 CFR 141.24(f)(16) (1994), which USEPA 8-S--BPA removed and reserved at 59 Fed. Reg. 62468 (Dec. 5, 1994). This statement maintains structural consistency with the federal regulations.
  - q) Analysis under this Section must only be conducted by laboratories that have received certification by USEPA 8-S--BPA or the Agency according to the following conditions:
    - 1) To receive certification to conduct analyses for the Phase I VOCs, excluding vinyl chloride, Phase II VOCs, and Phase V VOCs, the laboratory must:
      - A) Analyze performance evaluation samples that include these substances provided by the Agency pursuant to 35 Ill. Adm. Code 183.125(c);



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- B) Achieve the quantitative acceptance limits under subsections (q)(1)(C) and (g)(1)(D) below for at least 80 percent of the Phase I VOCs, excluding vinyl chloride, Phase II VOCs, except vinyl chloride, or Phase V VOCs;
- C) Achieve quantitative results on the analyses performed under subsection (q)(1)(A) above that are within  $\pm 20$  percent of the actual amount of the substances in the performance evaluation sample when the actual amount is greater than or equal to 0.010 mg/L;
- D) Achieve quantitative results on the analyses performed under subsection (q)(1)(A) above that are within  $\pm 40$  percent of the actual amount of the substances in the performance evaluation sample when the actual amount is less than 0.010 mg/L; and
- E) Achieve a method detection limit of 0.0005 mg/L, according to the procedures in 40 CFR 136, Appendix B, incorporated by reference in Section 611.102.
- 2) To receive certification to conduct analyses for vinyl chloride the laboratory must:
- Analyze performance evaluation samples provided by the Agency pursuant to 35 Ill. Adm. Code 183.125(c);
  - Achieve quantitative results on the analyses performed under subsection (q)(2)(A) above that are within  $\pm 40$  percent of the actual amount of vinyl chloride in the performance evaluation sample;
  - Achieve a method detection limit of 0.0005 mg/L, according to the procedures in 40 CFR 136, Appendix B, incorporated by reference in Section 611.102; and
  - Obtain certification pursuant to subsection (q)(1) above for Phase I VOCs, excluding vinyl chloride, Phase II VOCs, and Phase V VOCs.
- r) Use of existing data.
- The Agency shall allow the use of data collected after January 1, 1988 but prior to the effective date of this Section, pursuant to Agency sample request letters, if it determines that the data are generally consistent with the requirements of this Section.
  - The Agency shall grant a SEP pursuant to Section 611.110 that allows a supplier to monitor annually beginning in the initial compliance period if it determines that the supplier did not detect any Phase I, Phase II, or Phase V VOC using existing data allowed pursuant to subsection (r)(1) above.
  - The Agency shall, by SEP, increase the number of sampling points or the frequency of monitoring if it determines that it is necessary to detect variations within the PWS.
  - Each laboratory certified for the analysis of Phase I, Phase II, or Phase V VOCs pursuant to subsection (q)(1) or (q)(2) above shall:
    - Determine the method detection limit (MDL), as defined in 40 CFR 136, Appendix B, incorporated by reference in Section 611.102, at

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- which it is capable of detecting the Phase I, Phase II, and Phase V VOCs; and,
- Achieve an MDL for each Phase I, Phase II, and Phase V VOC that is less than or equal to 0.0005 mg/L.
  - Each supplier shall monitor, within each compliance period, at the time designated by the Agency by SEP pursuant to Section 611.110.

BOARD NOTE: Derived from 40 CFR 141.24(f) (1994).

(Source: Amended at 20 Ill. Reg. 14493, effective OCT 2 2 1996)

# Section 611.648 Phase II, Phase IIB, and Phase V Synthetic Organic Contaminants

Analysis of the Phase II, Phase IIB, and Phase V SOCs for the purposes of determining compliance with the MCL must be conducted as follows:

- Definitions. As used in this Section:

"Detect or detection" means that the contaminant of interest is present at a level greater than or equal to the "detection limit".

"Detection limit" means the level of the contaminant of interest that is specified in subsection (r) below.

BOARD NOTE: This is a "trigger level" for Phase II, Phase IIB, and Phase V SOCs inasmuch as it prompts further action. The use of the term "detect" or "detection" in this section is not intended to include any analytical capability of quantifying lower levels of any contaminant, or the "method detection limit".

- Required sampling. Each supplier shall take a minimum of one sample at each sampling point at the times required in subsection (q) below.

BOARD NOTE: B-9-BPA stayed the effective date of the MCLs for aldicarb, aldicarb sulfone, and aldicarb sulfoxide at 57 Fed. Reg. 22178 (May 27, 1991). Section 611.311(c) includes this stay. However, despite the stay of the effectiveness of the MCLs for these three SOCs, suppliers must monitor for them.

- Sampling points.
  - Sampling points for GWSS. Unless otherwise provided by SEP, a GWS supplier shall take at least one sample from each of the following points: each entry point that is representative of each well after treatment.
  - Sampling points for SWS and mixed systems. Unless otherwise provided by SEP, a SWS or mixed system supplier shall sample from each of the following points:
    - Each entry point after treatment; or
    - Points in the distribution system that are representative of each source.
  - The supplier shall take each sample at the same sampling point unless the Agency has granted a SEP that designates another location as more representative of each source, treatment plant,

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- or within the distribution system.
- 4) If a system draws water from more than one source, and the sources are combined before distribution, the supplier shall sample at an entry point during periods of normal operating conditions when water is representative of all sources being used.

BOARD NOTE: Subsections (b) and (c) above derived from 40 CFR 141.24(h)(1) through (h)(3) (1995) (1994).

- d) Monitoring frequency:
- 1) Each CWS and NTNCWS supplier shall take four consecutive quarterly samples for each of the Phase II, Phase IIB, and Phase V SOCs during each compliance period, beginning in the three-year compliance period starting in the initial compliance period.
  - 2) Suppliers serving more than 3,300 persons that do not detect a contaminant in the initial compliance period, shall take a minimum of two quarterly samples in one year of each subsequent three-year compliance period.
  - 3) Suppliers serving less than or equal to 3,300 persons that do not detect a contaminant in the initial compliance period, shall take a minimum of one sample during each subsequent three-year compliance period.
- e) Reduction to annual monitoring frequency. A CWS or NTNCWS supplier may apply to the Agency for a SEP that releases it from the requirements of subsection (d) above. A SEP from the requirement of subsection (d) above shall last for only a single three-year compliance period.
- f) Vulnerability Assessment. The Agency shall grant a SEP from the requirements of subsection (d) above based on consideration of the factors set forth at Section 611.110(e).
- g) If one of the Phase II, Phase IIB, or Phase V SOCs is detected in any sample, then:
- 1) The supplier shall monitor quarterly for the contaminant at each sampling point that resulted in a detection.
  - 2) Annual monitoring.
    - A) A supplier may request that the Agency grant a SEP pursuant to Section 610.110 that reduces the monitoring frequency to annual.
    - B) A request for a SEP must include the following minimal information:
      - i) For a CWS, two quarterly samples.
      - ii) For a SWS or mixed system, four quarterly samples.
    - C) The Agency shall grant a SEP that allows annual monitoring at a sampling point if it determines that the sampling point is reliably and consistently below the MCL.
    - D) In issuing the SEP, the Agency shall specify the level of the contaminant upon which the "reliably and consistently" determination was based. All SEPs that allow less frequent monitoring based on an Agency "reliably and consistently"

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- determination shall include a condition requiring the supplier to resume quarterly monitoring pursuant to subsection (g)(1) above if it detects any Phase II SOC.
- 3) Suppliers that monitor annually shall monitor during the quarter(s) that previously yielded the highest analytical result.
  - 4) Suppliers that have three consecutive annual samples with no detection of a contaminant at a sampling point may apply to the Agency for a SEP with respect to that point, as specified in subsections (e) and (f) above.
  - 5) Monitoring for related contaminants.
    - A) If monitoring results in detection of one or more of the related contaminants listed in subsection (g)(5)(B) below, subsequent monitoring shall analyze for all the related compounds in the respective group.
    - B) Related contaminants:
      - i) first group:
        - aldicarb
        - aldicarb sulfone
        - aldicarb sulfoxide
      - ii) second group:
        - heptachlor
        - heptachlor epoxide.
- h) Quarterly monitoring following MCL violations.
- 1) Suppliers that violate an MCL for one of the Phase II, Phase IIB, or Phase V SOCs, as determined by subsection (k) below, shall monitor quarterly for that contaminant at the sampling point where the violation occurred, beginning the next quarter after the violation.
  - 2) Annual monitoring.
    - A) A supplier may request that the Agency grant a SEP pursuant to Section 611.110 that reduces the monitoring frequency to annual.
    - B) A request for a SEP must include, at a minimum, the results from four quarterly samples.
    - C) The Agency shall grant a SEP that allows annual monitoring at a sampling point if it determines that the sampling point is reliably and consistently below the MCL.
    - D) In issuing the SEP, the Agency shall specify the level of the contaminant upon which the "reliably and consistently" determination was based. All SEPs that allow less frequent monitoring based on an Agency "reliably and consistently" determination shall include a condition requiring the supplier to resume quarterly monitoring pursuant to subsection (h)(1) above if it detects any Phase II SOC.
    - E) The supplier shall monitor during the quarter(s) that previously yielded the highest analytical result.
  - i) Confirmation samples.
    - 1) If any of the Phase II, Phase IIB, or Phase V SOCs are detected



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

in a sample, the supplier shall take a confirmation sample as soon as possible, but no later than 14 days after the supplier receives notice of the detection.

2) Averaging is as specified in subsection (k) below.

3) The Agency shall delete the original or confirmation sample if it determines that a sampling error occurred, in which case the confirmation sample will replace the original or confirmation sample.

j) This subsection corresponds with 40 CFR 141.24(h)(10), an optional USEPA W-S--BPA provision relating to compositing of samples that USEPA W-S--BPA does not require for state programs. This statement maintains structural consistency with USEPA W-S--BPA rules.

k) Compliance with the MCLs for the Phase II, Phase IIB, and Phase V SOCs shall be determined based on the analytical results obtained at each sampling point.

1) For suppliers that are conducting monitoring at a frequency greater than annual, compliance is determined by a running annual average of all samples taken at each sampling point.

A) If the annual average of any sampling point is greater than the MCL, then the supplier is out of compliance.

B) If the initial sample or a subsequent sample would cause the annual average to be exceeded, then the supplier is out of compliance immediately.

C) Any samples below the detection limit must be calculated as zero for purposes of determining the annual average.

2) If monitoring is conducted annually or less frequently, the supplier is out of compliance if the level of a contaminant at any sampling point is greater than the MCL. If a confirmation sample is taken, the determination of compliance is based on the average of two samples.

3) When the portion of the distribution system that is out of compliance is separable from other parts of the distribution system and has no interconnections, the supplier may issue the public notice required by Subpart T of this Part is only to persons served by that portion of the distribution system that is not in compliance.

BOARD NOTE: Derived from 40 CFR 141.24(h)(11) (1995) ~~†1994†~~.

1) This provision corresponds with 40 CFR 141.24(h)(12) (1995) ~~†1994†~~, which USEPA W-S--BPA removed and reserved at 59 Fed. Reg. 62468 (Dec. 5, 1994). This statement maintains structural consistency with the federal regulations.

m) Analysis for PCBs must be conducted as follows using the methods in Section 611.645:

1) Each supplier that monitors for PCBs shall analyze each sample using either USEPA W-S--BPA Organic Methods, Method 505 or Method 508.

2) If PCBs are detected in any sample analyzed using USEPA W-S--BPA Organic Methods, Methods 505 or 508, the supplier shall reanalyze

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

the sample using 508A to quantitate the individual Aroclors (as decachlorobiphenyl).

3) Compliance with the PCB MCL must be determined based upon the quantitative results of analyses using USEPA W-S--BPA Organic Methods, Method 508A.

n) Use of existing data.

1) The Agency shall allow the use of data collected after January 1, 1990 but prior to the effective date of this Section, pursuant to Agency sample request letters, if it determines that the data are generally consistent with the requirements of this Section.

2) The Agency shall grant a SEP pursuant to Section 611.110 that allows a supplier to monitor annually beginning in the initial compliance period if it determines that the supplier did not detect any Phase I VOC or Phase II VOC using existing data allowed pursuant to subsection (n)(1) above.

o) The Agency shall issue a SEP that increases the number of sampling points or the frequency of monitoring if it determines that this is necessary to detect variations within the PWS due to such factors as fluctuations in contaminant concentration due to seasonal use or changes in the water source.

BOARD NOTE: At 40 CFR 141.24(h)(15), USEPA W-S--BPA uses the stated factors as non-limiting examples of circumstances that make additional monitoring necessary.

p) This subsection corresponds with 40 CFR 141.24(h)(16), a USEPA W-S--BPA provision that the Board has not adopted because it reserves enforcement authority to the state and would serve no useful function as part of the state's rules. This statement maintains structural consistency with USEPA W-S--BPA rules.

q) Each supplier shall monitor, within each compliance period, at the time designated by the Agency by SEP pursuant to Section 611.110.

r) "Detection" means greater than or equal to the following concentrations for each contaminant:

1) for PCBs (Aroclors):

Aroclor	Detection Limit (mg/L)
1016	0.00008
1221	0.02
1232	0.0005
1242	0.0003
1248	0.0001
1254	0.0001
1260	0.0002

2) for other Phase II, Phase IIB, and Phase V SOCs:

Contaminant Detection Limit



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

	(mg/L)
Alachlor	0.0002
Aldicarb	0.0005
Aldicarb sulfoxide	0.0005
Aldicarb sulfone	0.0008
Atrazine	0.0001
Benzo(a)pyrene	0.0002
Carbofuran	0.0009
Chlordane	0.0002
2,4-D	0.0001
Dalapon	0.001
1,2-Dibromo-3-chloropropane (DBCP)	0.0002
Di(2-ethylhexyl)adipate	0.0006
Di(2-ethylhexyl)phthalate	0.0006
Dinoseb	0.0002
Diquat	0.0004
Endothall	0.009
Endrin	0.0001
Ethylene dibromide (EDB)	0.0001
Glyphosate	0.006
Heptachlor	0.0004
Heptachlor epoxide	0.0002
Hexachlorobenzene	0.0001
Hexachlorocyclopentadiene	0.0001
Lindane	0.0002
Methoxychlor	0.0001
Oxamyl	0.002
Picloram	0.0001
Polychlorinated biphenyls (PCBs) (as decachlorobiphenyl)	0.0001
Pentachlorophenol	0.0004
Simazine	0.0007
Toxaphene	0.001
2,3,7,8-TCDD (dioxin)	0.00000005
2,4,5-TP (Silvex)	0.0002

## s) Laboratory Certification.

- Analyses under this Section must only be conducted by laboratories that have received approval by USEPA W-87--EPA or the Agency according to the following conditions.
- To receive certification to conduct analyses for the Phase II, Phase IIB, and Phase V SOC's the laboratory must:
  - Analyze performance evaluation samples provided by the Agency pursuant to 35 Ill. Adm. Code 183.125(c) that include these substances; and
  - Achieve quantitative results on the analyses performed under subsection (s)(2)(A) above that are within the acceptance limits set forth in subsection (s)(2)(C) below above.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## C) Acceptance limits:

SOC	Acceptance Limits
Alachlor	± 45%
Aldicarb	2 standard deviations
Aldicarb sulfone	2 standard deviations
Aldicarb sulfoxide	2 standard deviations
Atrazine	± 45%
Benzo(a)pyrene	2 standard deviations
Carbofuran	± 45%
Chlordane	± 45%
Dalapon	2 standard deviations
Di(2-ethylhexyl)adipate	2 standard deviations
Di(2-ethylhexyl)phthalate	2 standard deviations
Dinoseb	2 standard deviations
Diquat	2 standard deviations
Endothall	2 standard deviations
Endrin	± 30%
Glyphosate	2 standard deviations
Dibromochloropropane (DBCP)	± 40%
Ethylene dibromide (EDB)	± 40%
Heptachlor	± 45%
Heptachlor epoxide	± 45%
Hexachlorobenzene	2 standard deviations
Hexachlorocyclopentadiene	2 standard deviations
Lindane	± 45%
Methoxychlor	± 45%
Oxamyl	2 standard deviations
PCBs (as Decachlorobiphenyl)	0-200%
Pentachlorophenol	± 50%
Picloram	2 standard deviations
Simazine	2 standard deviations
Toxaphene	± 45%
2,4-D	± 50%
2,3,7,8-TCDD (dioxin)	2 standard deviations
2,4,5-TP (Silvex)	± 50%

BOARD NOTE: Derived from 40 CFR 141.24(h) (1995) (+1994)77-ss amended-at-59-Pec-Reg-62468-1Dec-57-1994).

(Source: Amended at 20 Ill. Reg. **14493**, effective **OCT 22 1996**)

SUBPART P: THM MONITORING AND ANALYTICAL REQUIREMENTS

## Section 611.603 Reduced Monitoring Frequency

- a) A CWS supplier utilizing only groundwater sources may, by special

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

exception permit application, seek to have the monitoring frequency required by Section 611.680(b)(1) ~~611-680(b)(1)~~ reduced to a minimum of one sample for maximum THM potential per year for each treatment plant used by the supplier, taken at a point in the distribution system reflecting maximum residence time of the water in the system.

1) The CWS supplier shall submit to the Agency ~~the results of~~ at least one sample ~~analyzed~~ for maximum THM potential using the procedure specified in Section 611.687. A sample must be analyzed from ~~for~~ each treatment plant used by the supplier, taken at a point in the distribution system reflecting the maximum residence time of the water in the system.

2) The Agency shall reduce the supplier monitoring frequency if it determines that, based upon the data submitted by the supplier, the CWS has a maximum THM potential of less than 0.10 mg/L and that, based upon an assessment of the local conditions of the CWS, the CWS is not likely to approach or exceed the MCL for THMs.

3) The results of all analyses must be reported to the Agency within 30 days of the supplier's receipt of such results.

4) All samples collected must be used for determining whether the supplier complies with the monitoring requirements of Section 611.680(b) ~~611-680(b)~~, unless the analytical results are invalidated for technical reasons.

5) Sampling and analyses must be conducted in accordance with the methods listed in Section 611.685.

b) Loss or modification of reduced monitoring frequency.

1) If the results from any analysis taken by the supplier for maximum THM potential are equal to or greater than 0.10 mg/L, and such results are confirmed by at least one check sample taken promptly after such results are received, the CWS supplier shall immediately begin monitoring in accordance with the requirements of Section 611.680 ~~611-680(b)~~, and such monitoring must continue for at least one year before the frequency may be reduced again.

2) In the event of any significant change to the CWS's raw water or treatment program, the supplier shall immediately analyze an additional sample for maximum THM potential taken at a point in the distribution system reflecting maximum residence time of the water in the system.

3) The Agency shall require increased monitoring frequencies above the minimum where necessary to detect variation of THM levels within the distribution system.

BOARD NOTE: Derived from 40 CFR 141.30(c) (1994) ~~(1989)~~.

(Source: Amended at 20 Ill. Reg. 14493, effective OCT 22 1996)

## Section 611.684 Averaging

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

Compliance with Section 611.310(c) is determined based on a running annual average of quarterly samples collected by the supplier as prescribed in Section 611.680(b)(1) ~~611-680(b)(1)~~ or (2). If the average of samples covering any 12 month period exceeds the MCL, the CWS supplier shall report to the Agency and notify the public pursuant to Subpart T. Monitoring after public notification must be at a frequency designated by the Agency and must continue until a monitoring schedule as a condition to a variance, adjusted standard or enforcement action becomes effective.

BOARD NOTE: Derived from 40 CFR 141.30(d) (1994) ~~(1989)~~.

(Source: Amended at 20 Ill. Reg. 14493, effective OCT 22 1996)

## Section 611.685 Analytical Methods

Sampling and analyses made pursuant to this Subpart must be conducted by one of the total trihalomethanes (THM) methods as directed in Section 611.645 and in USEPA 8-87--BPA Technical Notes, "Technical Notes on Drinking Water Methods", incorporated by reference in Section 611.102. Samples for THM must be dechlorinated upon collection to prevent further production of trihalomethanes, according to the procedures described in the methods, except acidification is not required if only THMs or THMs are to be determined. Samples for maximum THM potential must not be dechlorinated or acidified, and should be held for seven days at 25° C (or above) prior to analysis. ~~For the methods cited in subsections (a)-(d) and (e) above, see 49-CFR-117-subpart E-7-Appendix C-7 incorporated by reference in Section 611-102.~~

BOARD NOTE: Derived from 40 CFR 141.30(e) (1995) ~~(1994)~~ as amended at 59 Fed. Reg. 62469 (Dec. 5, 1994).

(Source: Amended at 20 Ill. Reg. 14493, effective OCT 22 1996)

## Section 611.687 Sampling for Maximum THM Potential

a) The water sample for determination of maximum total trihalomethane potential must be taken from a point in the distribution system that reflects maximum residence time. Procedures for sample collection and handling are given in the methods.

b) The supplier taking samples shall not add reducing agent to "quench" the chemical reaction producing THMs at the time of sample collection. The intent is to permit the level of THM precursors to be depleted and the concentration of THMs to be maximized for the supply being tested. Four experimental parameters affecting maximum THM production are pH, temperature, reaction time, and the presence of a disinfectant residual. The supplier taking the sample shall deal with these parameters as follows:

1) Measure the disinfectant residual at the selected sampling point. Proceed only if a measurable disinfectant residual is present.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 2) Collect triplicate 40 mL water samples at the pH prevailing at the time of sampling, and prepare a method blank according to the methods.
- 3) Seal and store these samples together for seven days at 25° C or above.
- 4) After this time period, open one of the sample containers and check for disinfectant residual. Absence of a disinfectant residual invalidates the sample for further analysis.
- 5) Once a disinfectant residual has been demonstrated, open another of the sealed samples and determine total THM concentration using an approved analytical method.

BOARD NOTE: Derived from 40 CFR 141.30(g) (1995).

(Source: Added at 20 Ill. Reg. **14493**, effective OCT 22 1996)

## SUBPART Q: RADIOLOGICAL MONITORING AND ANALYTICAL REQUIREMENTS

## Section 611.720 Analytical Methods

- a) The methods specified below, incorporated by reference in Section 611.102, are to be used to determine compliance with Sections 611.330 and 611.331, except in cases where alternative methods have been approved in accordance with Section 611.480.

## 1) Radiochemical Methods:

- 2) Standard Methods, 13th Edition;
  - A) Gross Alpha and Beta: Method 302;
  - B) Total Radium: Method 304;
  - C) Radium-226: Method 305;
  - D) Strontium-89,90: Method 303;
  - E) Tritium: Method 306;

## 3) ASTM Methods:

- A) Cesium-134: ASTM D-2459;
- B) Uranium: ASTM D-2907.

- b) When the identification and measurement of radionuclides other than those listed in subsection (a) are required, the following methods, incorporated by reference in Section 611.102, are to be used, except in cases where alternative methods have been approved in accordance with Section 611.480:

- 1) "Procedures for Radiochemical Analysis of Nuclear Reactor Aqueous Solutions", available from NTPS.
- 2) HASL Procedure Manual, HASL 300.

- c) For the purpose of monitoring radioactivity concentrations in drinking water, the required sensitivity of the radioanalysis is defined in terms of a detection limit. The detection limit must be that concentration which can be counted with a precision of plus or minus 100 percent at the 95 percent confidence level (1.96 sigma where sigma is the standard deviation of the net counting rate of the sample).

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 1) To determine compliance with Section 611.330(a) the detection limit must not exceed 1 pCi/L. To determine compliance with Section 611.330(b) the detection limit must not exceed 3 pCi/L.
- 2) To determine compliance with Section 611.331 the detection limits must not exceed the concentrations listed in that Section.
- d) To judge compliance with the MCLs listed in Sections 611.330 and 611.331, averages of data must be used and must be rounded to the same number of significant figures as the MCL for the substance in question.

BOARD NOTE: Derived from 40 CFR 141.25 (1995 +999).

(Source: Amended at 20 Ill. Reg. **14493**, effective OCT 22 1996)

## Section 611.731 Gross Alpha

Monitoring requirements for gross alpha particle activity, radium-226 and radium-228 are as follows:

- a) Compliance must be based on the analysis of an annual composite of four consecutive quarterly samples or the average of the analyses of four samples obtained at quarterly intervals.

- 1) A gross alpha particle activity measurement may be substituted for the required radium-226 and radium-228 analysis, provided that the measured gross alpha particle activity does not exceed 5 pCi/L at a confidence level of 95 percent (1.65 sigma where sigma is the standard deviation of the net counting rate of the sample). In localities where radium-228 may be present in drinking water, the Agency may, by permit condition, require radium-226 or radium-228 analyses when the gross alpha particle activity exceeds 2 pCi/L.

- 2) When the gross alpha particle activity exceeds 5 pCi/L, the same or an equivalent sample must be analyzed for radium-226. If the concentration of radium-226 exceeds 3 pCi/L the same or an equivalent sample must be analyzed for radium-228.

- b) See Section 611.100(e).

- c) CWS suppliers shall monitor at least once every four years following the procedure required by subsection (a). When an annual record taken in conformance with subsection (a) has established that the average annual concentration is less than half the MCLs established by Section 611.330, the Agency shall, by special exception permit, substitute analysis of a single sample for the quarterly sampling procedure required by subsection (a).

- 1) The Agency shall, by special exception permit, require more frequent monitoring in the vicinity of mining or other operations which may contribute alpha particle radioactivity to either surface or groundwater sources of drinking water.
- 2) A CWS supplier shall monitor in conformance with subsection (a) for one year after the introduction of a new water source. The



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

Agency shall, by special exception permit, require more frequent monitoring in the event of possible contamination or when changes in the distribution system or treatment process processing occur which may increase the concentration of radioactivity in finished water.

- 3) The Agency shall, by special exception permit, require a CWS supplier using two or more sources having different concentrations of radioactivity to monitor source water, in addition to water from a free-flowing tap.
- 4) The Agency shall not require monitoring for radium-228 to determine compliance with Section 611.330 after the initial period, provided that the average annual concentration of radium-228 has been assayed at least once using the quarterly sampling procedure required by subsection (a).
- 5) The Agency shall require the CWS supplier to conduct annual monitoring if the radium-226 concentration exceeds 3 pCi/L.
- d) If the average annual MCL for gross alpha particle activity or total radium as set forth in Section 611.330 is exceeded, the CWS shall give notice to the Agency and notify the public as required by Subpart T. Monitoring at quarterly intervals must be continued until the annual average concentration no longer exceeds the MCL or until a monitoring schedule as a condition to a variance, adjusted standard or enforcement action becomes effective.

BOARD NOTE: Derived from 40 CFR 141.26(a) (1995 1989).

(Source: Amended at 20 Ill. Reg. **14493**, effective OCT 22 1996)

## Section 611.732 Manmade Radioactivity

Monitoring requirements for manmade radioactivity in CWSs are as follows:

- a) CWSs using surface water sources and serving more than 100,000 persons and such other CWSs as the Agency by permit condition requires must monitor for compliance with Section 611.331 by analysis of a composite of four consecutive quarterly samples or analysis of four quarterly samples. Compliance with Section 611.331 is assumed without further analysis if the average annual concentration of gross beta particle activity is less than 50 pCi/L and if the average annual concentrations of tritium and strontium-90 are less than those listed in Section 611.331, provided that if both radionuclides are present the sum of their annual dose does equivalents to bone marrow must not exceed 4 millirem/year.

- 1) If the gross beta particle activity exceeds 50 pCi/L, an analysis of the sample must be performed to identify the major radioactive constituents present and the appropriate organ and total body doses must be calculated to determine compliance with Section 611.331.

- 2) If the MCLs are exceeded, the Agency shall, by special exception

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

permit, require the supplier to conduct additional monitoring to determine the concentration of man-made radioactivity in principal watersheds.

- 3) The Agency shall, pursuant to subsection (d), by special exception permit, require suppliers of water utilizing only groundwater to monitor for man-made radioactivity.
- b) See Section 611.100(e).
- c) CWS suppliers shall monitor at least every four years following the procedure in subsection (a).
- d) The Agency shall, by special exception permit, require any CWS supplier utilizing waters contaminated by effluents from nuclear facilities to initiate quarterly monitoring for gross beta particle and iodine-131 radioactivity and annual monitoring for strontium-90 and tritium.
- 1) Quarterly monitoring for gross beta particle activity must be based on the analysis of monthly samples or the analysis of a composite of three monthly samples. If the gross beta particle activity in a sample exceeds 15 pCi/L, the same or an equivalent sample must be analyzed for strontium-89 and cesium-134. If the gross beta particle activity exceeds 50 pCi/L, an analysis of the sample must be performed to identify the major radioactive constituents present and the appropriate organ and total body doses must be calculated to determine compliance with Section 611.331.

- 2) For iodine-131, a composite of five consecutive daily samples must be analyzed once each quarter. The Agency shall, by special exception permit, require more frequent monitoring when iodine-131 is identified in the finished water.

- 3) The Agency shall, by special exception permit, require annual monitoring for strontium-90 and tritium by means of the analysis of a composite of four consecutive quarterly samples or analysis of four quarterly samples.

- 4) The Agency shall, by special exception permit, allow the substitution of environmental surveillance data taken with conjunction with a nuclear facility for direct monitoring of manmade radioactivity by the supplier where the Agency determines such data is applicable to the CWS.

- e) If the average annual MCL for man-made radioactivity set forth in Section 611.331 is exceeded, the operator of a CWS shall give notice to the Agency and to the public as required by Subpart T. Monitoring at monthly intervals must be continued until the concentration no longer exceeds the MCL or until a monitoring schedule as a condition to a variance, adjusted standard or enforcement action becomes effective.

BOARD NOTE: Derived from 40 CFR 141.26(b) (1995 1989).

(Source: Amended at 20 Ill. Reg. **14493**, effective OCT 22 1996)

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## Section 611.831 Monthly Operating Report

Within 30 days following the last day of the month, each CWS supplier shall submit a monthly operating report to the Agency on forms provided or approved by the Agency.

BOARD NOTE: This is an additional State requirement.

(Source: Amended at 20 Ill. Reg. 14493, effective OCT 22 1996)

## Section 611.840 Reporting

a) Except where a shorter period is specified in this Part, a supplier shall report to the Agency the results of any test measurement or analysis required by this Part within the following times, whichever is shortest:

1) The first ten days following the month in which the result is received; or

2) The first ten days following the end of the required monitoring period, as specified by permit condition.

b) Except where a different reporting period is specified in this Part, the PWS shall report to the Agency within 48 hours any failure to comply with any provision (including failure to comply with monitoring requirements) of this Part.

c) The supplier is not required to report analytical results to the Agency in cases where an Agency laboratory performs the analysis.

d) The supplier, within ten days of completion of each public notification required pursuant to Section 611.851 et seq., shall submit to the Agency a representative copy of each type of notice distributed, published, posted or made available to the persons served by the PWS or to the media.

e) The supplier shall submit to the Agency within the time stated in the request copies of any records required to be maintained under Section 611.860 or copies of any documents then in existence which the Agency is entitled to inspect pursuant to the authority of Section 4 of the Act.

BOARD NOTE: Derived from 40 CFR 141.31 (1989), as amended at 54 Fed. Reg. 27562, June 29, 1989.

(Source: Amended at 20 Ill. Reg. 14493, effective OCT 22 1996)

## Section 611.851 Reporting MCL and other Violations

A supplier that fails to comply with an applicable MCL or treatment technique established by this Part or which fails to comply with the requirements of any schedule prescribed pursuant to a variance or adjusted standard shall notify persons served by the PWS as follows:

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

a) Except as provided in subsection (c), the supplier shall give notice:

- 1) By publication in a daily newspaper of general circulation in the area served by the PWS as soon as possible, but in no case later than 14 days after the violation or failure. If the area served by a PWS is not served by a daily newspaper of general circulation, notice must instead be given by publication in a weekly newspaper of general circulation serving the area; and
- 2) By mail delivery (by direct mail or with the water bill), or by hand delivery, not later than 45 days after the violation or failure. This is not required if the Agency determines by SEP that the supplier in violation has corrected the violation or failure within the 45-day period; and
- 3) For violations of the MCLs of contaminants that pose an acute risk to human health, by furnishing a copy of the notice to the radio and television stations serving the area served by the PWS as soon as possible but in no case later than 72 hours after the violation. The following violations are acute violations:
  - A) Any violations posing an acute risk to human health, as specified in this Part or as determined by the Agency on a case-by-case basis.
  - B) Violation of the MCL for nitrate or nitrite in Section 611.301.
  - C) Violation of the MCL for total coliforms, when fecal coliforms or E. coli are present in the water distribution system, as specified in Section 611.325(b).
  - D) Occurrence of a waterborne disease outbreak.

- b) Except as provided in subsection (c), following the initial notice given under subsection (a), the supplier shall give notice at least once every three months by mail delivery (by direct mail or with the water bill) or by hand delivery, for as long as the violation or failure exists.
- c) Alternative methods of notice.
  - 1) In lieu of the requirements of subsections (a) and (b), a CWS supplier in an area that is not served by a daily or weekly newspaper of general circulation shall give notice by hand delivery or by continuous posting in conspicuous places within the area served by the CWS. Notice by hand delivery or posting must begin as soon as possible, but no later than 72 hours after the violation or failure for acute violations (as defined in subsection (a)(3)) or 14 days after the violation or failure (for any other violation). Posting must continue for as long as the violation or failure exists. Notice by hand delivery must be repeated at least every three months for as long as the violation or failure exists.
  - 2) In lieu of the requirements of subsections (a) and (b), a non-CWS supplier may give notice by hand delivery or by continuous posting in conspicuous places within the area served by the non-CWS. Notice by hand delivery or posting must begin as soon



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

as possible, but no later than 72 hours after the violation or failure for acute violations (as defined in subsection (a)(3)), or 14 days after the violation or failure (for any other violation). Posting must continue for as long as the violation or failure exists. Notice by hand delivery must be repeated at least every three months for as long as the violation or failure exists.

- 3) Where allowed, pursuant to Section 611.609(d), 611.646(o)(3), 611.647(i)(7) or 611.648(k)(3) because it has a separable system, a supplier may issue public notice only to persons on that portion of its system that its out of compliance.

BOARD NOTE: Generally derived from 40 CFR 141.32(a) (1993). Subsection (c)(3) derived from 40 CFR 141.23(i)(4) & 141.24(f)(15)(iii), (g)(9) & (h)(11)(iii) (1993).

(Source: Amended at 20 Ill. Reg. 14493, effective OCT 22 1996)

## Section 611.852 Reporting other Violations

A supplier that fails to perform monitoring required by this Part, which fails to comply with a testing procedure established by this Part, or which is subject to a variance or adjusted standard under Section 611.111, 611.112 or 611.113 shall notify persons served by the PWS as follows:

- a) Except as provided in subsection (c) or (d), the supplier shall give notice, within three months of the violation or granting of a variance or adjusted standard, by publication in a daily newspaper of general circulation in the area served by the PWS. If the area served by a PWS is not served by a daily newspaper of general circulation, notice must instead be given by publication in a weekly newspaper of general circulation serving the area.

- b) Except as provided in subsection (c) or (d), following the initial notice given under subsection (a), the supplier must give notice at least once every three months by mail delivery (by direct mail or with the water bill) or by hand delivery, for as long as the violation exists. Repeat notice of the existence of a variance or adjusted standard (Section 611.111 through 611.113) must be given every three months for as long as the variance or adjusted standard remains in effect.

- c) Alternative methods of notice.

- 1) In lieu of the requirements of subsections (a) and (b), a CWS supplier in an area that is not served by a daily or weekly newspaper of general circulation shall give notice, within three months of the violation or granting of the variance or adjusted standard, by hand delivery or by continuous posting in conspicuous places within the area served by the CWS. Posting must continue for as long as the violation exists or a variance or adjusted standard remains in effect. The CWS

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

supplier shall repeat the notice by hand delivery every three months for as long as the variance or adjusted standard remains in effect.

- 2) In lieu of the requirements of subsections (a) and (b), a non-CWS supplier may give notice, within three months of the violation or the granting of the variance or adjusted standard, by hand delivery or by continuous posting in conspicuous places within the area served by the non-CWS. Posting must continue for as long as the violation exists, or a variance or adjusted standard remains in effect. Notice by hand delivery must be repeated at least every three months for as long as the violation exists or a variance or adjusted standard remains in effect.

BOARD NOTE: Derived from 40 CFR 141.32(b) (1995 +991).

(Source: Amended at 20 Ill. Reg. 14493, effective OCT 22 1996)

## Section 611.858 Fluoride Secondary Standard

If a CWS exceeds the secondary standard for fluoride of 2.0 mg/L, as determined by the last single sample taken in accordance with Section 611.603 607, but does not exceed the MCL in Section 611.301 908(b), the supplier shall provide the fluoride notice in Section 611.Appendix A(9) to:

- a) All billing units annually;  
b) All billing units at the time service begins; and  
c) The local public health department.

Board Note: Derived from 40 CFR 143.3 and 143.5 (1994).

(Source: Amended at 20 Ill. Reg. 14493, effective OCT 22 1996)

## Section 611.870 List of 36 Contaminants (Repealed)

- a) This Section applies to only the contaminants listed in Section 611.650.  
b) A CWS or PWS supplier who is required to monitor under Section 611.650 shall send a copy of the results of such monitoring within 30 days of receipt and any public notice under subsection (d) to the Agency or for non-CWSs, Public Health.  
c) See Section 611.100(e).  
d) The supplier shall notify persons served by the PWS of the availability of the results of sampling conducted under Section 611.650 by including a notice in the first set of water bills issued by the supplier after the receipt of the results or written notice within three months. The notice must identify a person and supply the telephone number to contact for information on the monitoring results. For surface water systems, public notification is required only after the first quarter's monitoring and must include a statement that



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

Additional monitoring will be conducted for three more quarters with the results available upon request.  
 BOARD NOTE: Derived from 40-CPR-141-35-(1989):

(Source: Repealed at 20 Ill. Reg. **14493**, effective  
OCT 28 1996)

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## Section 611 APPENDIX A Mandatory Health Effects Information

- 1) Trichloroethylene. The United States Environmental Protection Agency (USEPA 8-S--BPA) sets drinking water standards and has determined that trichloroethylene is a health concern at certain levels of exposure. This chemical is a common metal cleaning and dry cleaning fluid. It generally gets into drinking water by improper waste disposal. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. USEPA 8-S--BPA has set forth the enforceable drinking water standard for trichloroethylene at 0.005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.
- 2) Carbon tetrachloride. The United States Environmental Protection Agency (USEPA 8-S--BPA) sets drinking water standards and has determined that carbon tetrachloride is a health concern at certain levels of exposure. This chemical was once a popular household cleaning fluid. It generally gets into drinking water by improper waste disposal. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. USEPA 8-S--BPA has set the enforceable drinking water standard for carbon tetrachloride at 0.005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.
- 3) 1,2-Dichloroethane. The United States Environmental Protection Agency (USEPA 8-S--BPA) sets drinking water standards and has determined that 1,2-dichloroethane is a health concern at certain levels of exposure. This chemical is used as a cleaning fluid for fats, oils, waxes and resins. It generally gets into drinking water by improper waste disposal. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals may also increase the risk of cancer in humans who are exposed at lower levels over long periods of time. USEPA 8-S--BPA has set the enforceable drinking water standard for 1,2-dichloroethane at 0.005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

4) Vinyl chloride. The United States Environmental Protection Agency (USEPA 8-9--BPA) sets drinking water standards and has determined that vinyl chloride is a health concern at certain levels of exposure. This chemical is used in industry and is found in drinking water as a result of the breakdown of related solvents. The solvents are used as cleaners and degreasers of metals and generally get into drinking water by improper waste disposal. This chemical has been associated with significantly increased risks of cancer among certain industrial workers who were exposed to relatively large amounts of this chemical during their working careers. This chemical has also been shown to cause cancer in laboratory animals when the animals are exposed at high levels over their lifetimes. Chemicals that cause increased risk of cancer among exposed industrial workers and in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. USEPA 8-9--BPA has set the enforceable drinking water standard for vinyl chloride at 0.002 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

5) Benzene. The United States Environmental Protection Agency (USEPA 8-9--BPA) sets drinking water standards and has determined that benzene is a health concern at certain levels of exposure. This chemical is used as a solvent and degreaser of metals. It is also a major component of gasoline. Drinking water contamination generally results from leaking underground gasoline and petroleum tanks or improper waste disposal. This chemical has been associated with significantly increased risks of leukemia among certain industrial workers who were exposed to relatively large amounts of this chemical during their working careers. This chemical has also been shown to cause cancer in laboratory animals when the animals are exposed at high levels over their lifetimes. Chemicals that cause increased risk of cancer among exposed industrial workers and in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. USEPA 8-9--BPA has set the drinking water standard for benzene at 0.005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in humans and laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

6) 1,1-Dichloroethylene. The United States Environmental Protection Agency (USEPA 8-9--BPA) sets drinking water standards and has determined that 1,1-dichloroethylene is a health concern at certain levels of exposure. This chemical is used in industry and is found in drinking water as a result of the breakdown of related solvents. The solvents are used as cleaners and degreasers of metals and generally get into drinking water by improper waste disposal. This chemical has been shown to cause liver and kidney damage in laboratory animals such

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause adverse effects in laboratory animals also may cause adverse health effects in humans who are exposed at lower levels over long periods of time. USEPA 8-9--BPA has set the enforceable drinking water standard for 1,1-dichloroethylene at 0.007 parts per million (ppm) to reduce the risk of these adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

7) Para-dichlorobenzene. The United States Environmental Protection Agency (USEPA 8-9--BPA) sets drinking water standards and has determined that para-dichlorobenzene is a health concern at certain levels of exposure. This chemical is a component of deodorizers, moth balls and pesticides. It generally gets into drinking water by improper waste disposal. This chemical has been shown to cause liver and kidney damage in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals which cause adverse effects in laboratory animals also may cause adverse health effects in humans who are exposed at lower levels over long periods of time. USEPA 8-9--BPA has set the enforceable drinking water standard for para-dichlorobenzene at 0.075 parts per million (ppm) to reduce the risk of these adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

8) 1,1,1-Trichloroethane. The United States Environmental Protection Agency (USEPA 8-9--BPA) sets drinking water standards and has determined that 1,1,1-trichloroethane is a health concern at certain levels of exposure. This chemical is used as a cleaner and degreaser of metals. It generally gets into drinking water by improper waste disposal. This chemical has been shown to damage the liver, nervous system and circulatory system of laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Some industrial workers who were exposed to relatively large amounts of this chemical during their working careers also suffered damage to the liver, nervous system and circulatory system. Chemicals which cause adverse effects among exposed industrial workers and in laboratory animals also may cause adverse health effects in humans who are exposed at lower levels over long periods of time. USEPA 8-9--BPA has set the enforceable drinking water standard for 1,1,1-trichloroethane at 0.2 parts per million (ppm) to protect against the risk of these adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

9) Fluoride. The U.S. Environmental Protection Agency requires that we send you this notice on the level of fluoride in your drinking water. The drinking water in your community has a fluoride concentration of



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

[Concentration to be provided by supplier] milligrams per liter (mg/L).

Federal regulations require that fluoride, which occurs naturally in your water supply, not exceed a concentration of 4.0 mg/L in drinking water. This is an enforceable standard called a Maximum Contaminant Level (MCL), and it has been established to protect the public health. Exposure to drinking water levels above 4.0 mg/L for many years may result in some cases of crippling skeletal fluorosis, which is a serious bone disorder.

Federal law also requires that we notify you when monitoring indicates that the fluoride in your drinking water exceeds 2.0 mg/L. This is intended to alert families about dental problems that might affect children under nine years of age. The fluoride concentration of your water exceeds this federal guideline.

Fluoride in children's drinking water at levels of approximately 1 mg/L reduces the number of dental cavities. However, some children exposed to levels of fluoride greater than about 2.0 mg/L may develop dental fluorosis. Dental fluorosis, in its moderate and severe forms, is a brown staining and/or pitting of the permanent teeth.

Because dental fluorosis occurs only when developing teeth (before they erupt from the gums) are exposed to elevated fluoride levels, households without children are not expected to be affected by this level of fluoride. Families with children under the age of nine are encouraged to seek other sources of drinking water for their children to avoid the possibility of staining and pitting.

Your water supplier can lower the concentration of fluoride in your water so that you will still receive the benefits of cavity prevention while the possibility of stained and pitted teeth is minimized. Removal of fluoride may increase your water costs. Treatment systems are also commercially available for home use. Information on such systems is available at the address given below. Low fluoride bottled drinking water that would meet all standards is also commercially available.

For further information, contact [name of contact person to be provided by supplier] at your water system.

BOARD NOTE: Derived from 40 CFR 141.32(e)(9) and 143.5 (1995 +1994).

- 10) Microbiological contaminants (for use when there is a violation of the treatment technique requirements for filtration and disinfection in Subpart B of this Part). The United States Environmental Protection Agency (USEPA 8-5----EPA) sets drinking water standards and has determined that the presence of microbiological contaminants are a health concern at certain levels of exposure. If water is inadequately treated, microbiological contaminants in that water may cause disease. Disease symptoms may include diarrhea, cramps, nausea and possibly jaundice and any associated headaches and fatigue. These symptoms, however, are not just associated with disease-causing organisms in drinking water, but also may be caused by a number of factors other than your drinking water. USEPA 8-5-EPA has set

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

enforceable requirements for treating drinking water to reduce the risk of these adverse health effects. Treatment such as filtering and disinfecting the water removes or destroys microbiological contaminants. Drinking water which is treated to meet USEPA 8-5-EPA requirements is associated with little to none of this risk and should be considered safe.

- 11) Total coliforms. (To be used when there is a violation of Section 611.325(a) and not a violation of Section 611.325(b)). The United States Environmental Protection Agency (USEPA 8-5-EPA) sets drinking water standards and has determined that the presence of total coliforms is a possible health concern. Total coliforms are common in the environment and are generally not harmful themselves. The presence of these bacteria in drinking water, however, generally is a result of a problem with water treatment or the pipes which distribute the water and indicates that the water may be contaminated with organisms that can cause disease. Disease symptoms may include diarrhea, cramps, nausea and possibly jaundice, and any associated headaches and fatigue. These symptoms, however, are not just associated with disease-causing organisms in drinking water, but also may be caused by a number of factors other than your drinking water. USEPA 8-5-EPA has set an enforceable drinking water standard for total coliforms to reduce the risk of these adverse health effects. Under this standard, no more than 5.0 percent of the samples collected during a month can contain these bacteria, except that systems collecting fewer than 40 samples/month that have one total coliform-positive sample per month are not violating the standard. Drinking water which meets this standard is usually not associated with a health risk from disease-causing bacteria and should be considered safe.
- 12) Fecal Coliforms/E. coli. (To be used when there is a violation of Section 611.325(b) or both Section 611.325(a) and (b)). The United States Environmental Protection Agency (USEPA 8-5-EPA) sets drinking water standards and has determined that the presence of fecal coliforms or E. coli is a serious health concern. Fecal coliforms and E. coli are generally not harmful themselves, but their presence in drinking water is serious because they usually are associated with sewage or animal wastes. The presence of these bacteria in drinking water is generally a result of a problem with water treatment or the pipes which distribute the water and indicates that the water may be contaminated with organisms that can cause disease. Disease symptoms may include diarrhea, cramps, nausea and possibly jaundice, and associated headaches and fatigue. These symptoms, however, are not just associated with disease-causing organisms in drinking water, but also may be caused by a number of factors other than your drinking water. USEPA 8-5-EPA has set an enforceable drinking water standard for fecal coliforms and E. coli to reduce the risk of these adverse health effects. Under this standard all drinking water samples must be free of these bacteria. Drinking water which meets this standard

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

is associated with little or none of this risk and should be considered safe. State and local health authorities recommend that consumers take the following precautions: [To be inserted by the public water system, according to instruction from State or local authorities].

- 13) Lead. The United States Environmental Protection Agency (USEPA 9-5-7-BPA) sets drinking water standards and has determined that lead is a health concern at certain exposure levels. Materials that contain lead have frequently been used in the construction of water supply distribution systems, and plumbing systems in private homes and other buildings. The most commonly found materials include service lines, pipes, brass and bronze fixtures, and solder and fluxes. Lead in these materials can contaminate drinking water as a result of the corrosion that takes place when water comes into contact with those materials. Lead can cause a variety of adverse health effects in humans. At relatively low levels of exposure, these effects may include interference with red blood cell chemistry, delays in normal physical and mental development in babies and young children, slight deficits in the attention span, hearing, and learning abilities of children, and slight increases in blood pressure of some adults. USEPA's 9-5-7-BPA's national primary drinking water regulation requires all public water systems to optimize corrosion control to minimize lead contamination resulting from the corrosion of plumbing materials. Public water systems serving 50,000 people or fewer that have lead concentrations below 15 parts per billion (ppb) in more than 90% of tap water samples (the USEPA 9-5-7-BPA "action level") have optimized their corrosion control treatment. Any water system that exceeds the action level must also monitor their source water to determine whether treatment to remove lead in source water is needed. Any water system that continues to exceed the action level after installation of corrosion control and/or source water treatment must eventually replace all lead service lines contributing in excess of 15 ppb of lead to drinking water. Any water system that exceeds the action level must also undertake a public education program to inform consumers of ways they can reduce their exposure to potentially high levels of lead in drinking water.

- 14) Copper. The United States Environmental Protection Agency (USEPA 9-5-7-BPA) sets drinking water standards and has determined that copper is a health concern at certain exposure levels. Copper, a reddish-brown metal, is often used to plumb residential and commercial structures that are connected to water distribution systems. Copper contaminating drinking water as a corrosion by-product occurs as the result of the corrosion of copper pipes that remain in contact with water for a prolonged period of time. Copper is an essential nutrient, but at high doses it has been shown to cause stomach and intestinal distress, liver and kidney damage, and anemia. Persons with Wilson's disease may be at a higher risk of health effects due to copper than the general public. USEPA's 9-5-7-BPA's national primary

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

drinking water regulation requires all public water systems to install optimal corrosion control to minimize copper contamination resulting from the corrosion of plumbing materials. Public water systems serving 50,000 people or fewer that have copper concentrations below 1.3 parts per million (ppm) in more than 90% of tap water samples (the USEPA 9-5-7-BPA "action level") are not required to install or improve their treatment. Any water system that exceeds the action level must also monitor their source water to determine whether treatment to remove copper in source water is needed.

- 15) Asbestos. The United States Environmental Protection Agency (USEPA 9-5-7-BPA) sets drinking water standards and has determined that asbestos fibers greater than 10 micrometers in length are a health concern at certain levels of exposure. Asbestos is a naturally occurring mineral. Most asbestos fibers in drinking water are less than 10 micrometers in length and occur in drinking water from natural sources and from corroded asbestos-cement pipes in the distribution system. The major uses of asbestos were in the production of cements, floor tiles, paper products, paint, and caulking, in transportation-related applications; and in the production of textiles and plastics. Asbestos was once a popular insulating and fire retardant material. Inhalation studies have shown that various forms of asbestos have produced lung tumors in laboratory animals. The available information on the risk of developing gastrointestinal tract cancer associated with the ingestion of asbestos from drinking water is limited. Ingestion of intermediate-range chrysotile asbestos fibers greater than 10 micrometers in length is associated with causing benign tumors in male rats. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA 9-5-7-BPA has set the drinking water standard for asbestos at 7 million long fibers per liter to reduce the potential risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water which meets the USEPA 9-5-7-BPA standard is associated with little to none of this risk and should be considered safe with respect to asbestos.

- 16) Barium. The United States Environmental Protection Agency (USEPA 9-5-7-BPA) sets drinking water standards and has determined that barium is a health concern at certain levels of exposure. This inorganic chemical occurs naturally in some aquifers that serve as sources of groundwater. It is also used in oil and gas drilling muds, automotive paints, bricks, tiles, and jet fuels. It generally gets into drinking water after dissolving from naturally occurring minerals in the ground. This chemical may damage the heart and vascular system, and is associated with high blood pressure in laboratory animals such as rate exposed to high levels during their lifetimes. In humans, USEPA 9-5-7-BPA believes that affects from barium on blood pressure should not occur below 2 parts per million (ppm) in drinking water. USEPA 9-5-7-BPA has set the drinking water standard for barium at 2 parts per



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA W-S--BPA standard is associated with little to none of this risk and is considered safe with respect to barium.

- 17) Cadmium. The United States Environmental Protection Agency (USEPA W-S BPA) sets drinking water standards and has determined that cadmium is a health concern at certain levels of exposure. Food and the smoking of tobacco are common sources of general exposure. This inorganic metal is a contaminant in the metals used to galvanize pipe. It generally gets into water by corrosion of galvanized pipes or by improper waste disposal. This chemical has been shown to damage the kidney in animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Some industrial workers who were exposed to relatively large amounts of this chemical during working careers also suffered damage to the kidney. USEPA W-S--BPA has set the drinking water standard for cadmium at 0.005 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA W-S--BPA standard is associated with little to none of this risk and is considered safe with respect to cadmium.

- 18) Chromium. The United States Environmental Protection Agency (USEPA W-S--BPA) sets drinking water standards and has determined that chromium is a health concern at certain levels of exposure. This inorganic metal occurs naturally in the ground and is often used in the electroplating of metals. It generally gets into water from runoff from old mining operations and improper waste disposal from plating operations. This chemical has been shown to damage the kidney, nervous system, and the circulatory system of laboratory animals such as rats and mice when the animals are exposed at high levels. Some humans who were exposed to high levels of this chemical suffered liver and kidney damage, dermatitis and respiratory problems. USEPA W-S--BPA has set the drinking water standard for chromium at 0.1 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA W-S--BPA standard is associated with little to none of this risk and is considered safe with respect to chromium.

- 19) Mercury. The United States Environmental Protection Agency (USEPA W-S--BPA) sets drinking water standards and has determined that mercury is a health concern at certain levels of exposure. This inorganic metal is used in electrical equipment and some water pumps. It usually gets into water as a result of improper waste disposal. This chemical has been shown to damage the kidney of laboratory animals such as rats when the animals are exposed at high levels over their lifetimes. USEPA W-S--BPA has set the drinking water standard for mercury at 0.002 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA W-S--BPA standard is associated with little to none of this risk and is considered safe with respect to mercury.

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

- 20) Nitrate. The United States Environmental Protection Agency (USEPA W-S--BPA) sets drinking water standards and has determined that nitrate poses an acute health concern at certain levels of exposure. Nitrate is used in fertilizer and is found in sewage and wastes from human and/or farm animals and generally gets into drinking water from those activities. Excessive levels of nitrate in drinking water have caused serious illness and sometimes death in infants under six months of age. The serious illness in infants is caused because nitrate is converted to nitrite in the body. Nitrite interferes with the oxygen carrying capacity of the child's blood. This is an acute disease in that symptoms can develop rapidly in infants. In most cases, health deteriorates over a period of days. Symptoms include shortness of breath and blueness of the skin. Clearly, expert medical advice should be sought immediately if these symptoms occur. The purpose of this notice is to encourage parents and other responsible parties to provide infants with an alternate source of drinking water. Local and State health authorities are the best source for information concerning alternate sources of drinking water for infants. USEPA W-S--BPA has set the drinking water standard at 10 parts per million (ppm) for nitrate to protect against the risk of these adverse effects. USEPA W-S--BPA has also set a drinking water standard for nitrite at 1 ppm. To allow for the fact that the toxicity of nitrate and nitrite are additive, USEPA W-S--BPA has also established a standard for the sum of nitrate and nitrite at 10 ppm. Drinking water that meets the USEPA W-S--BPA standard is associated with little to none of this risk and is considered safe with respect to nitrate.

- 21) Nitrite. The United States Environmental Protection Agency (USEPA W-S--BPA) sets drinking water standards and has determined that nitrite poses an acute health concern at certain levels of exposure. This inorganic chemical is used in fertilizers and is found in sewage and wastes from humans and/or farm animals and generally gets into drinking water as a result of those activities. While excessive levels of nitrite in drinking water have not been observed, other sources of nitrite have caused serious illness and sometimes death in infants under six months of age. The serious illness in infants is caused because nitrite interferes with the oxygen carrying capacity of the child's blood. This is an acute disease in that symptoms can develop rapidly. However, in most cases, health deteriorates over a period of days. Symptoms include shortness of breath and blueness of the skin. Clearly, expert medical advice should be sought immediately if these symptoms occur. The purpose of this notice is to encourage parents and other responsible parties to provide infants with an alternate source of drinking water. Local and State health authorities are the best source for information concerning alternate sources of drinking water for infants. USEPA W-S--BPA has set the drinking water standard at 1 part per million (ppm) for nitrite to protect against the risk of these adverse effects. USEPA W-S--BPA has also set a drinking water standard for nitrate (converted to nitrite

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

in humans) at 10 ppm and for the sum of nitrate and nitrite at 10 ppm. Drinking water that meets the USEPA W-5-BPA standard is associated with little to none of this risk and is considered safe with respect to nitrite.

- 22) Selenium. The United States Environmental Protection Agency (USEPA W-5-BPA) sets drinking water standards and has determined that selenium is a health concern at certain high levels of exposure. Selenium is also an essential nutrient at low levels of exposure. This inorganic chemical is found naturally in food and soils and is used in electronics, photocopy operations, the manufacture of glass, chemicals, drugs, and as a fungicide and a feed additive. In humans, exposure to high levels of selenium over a long period of time has resulted in a number of adverse health effects, including a loss of feeling and control in the arms and legs. USEPA W-5-BPA has set the drinking water standard for selenium at 0.05 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA W-5-BPA standard is associated with little to none of this risk and is considered safe with respect to selenium.

- 23) Acrylamide. The United States Environmental Protection Agency (USEPA W-5-BPA) sets drinking water standards and has determined that acrylamide is a health concern at certain levels of exposure. Polymers made from acrylamide are sometimes used to treat water supplies to remove particulate contaminants. Acrylamide has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. Sufficiently large doses of acrylamide are known to cause neurological injury. USEPA W-5-BPA has set the drinking water standard for acrylamide using a treatment technique to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. This treatment technique limits the amount of acrylamide in the polymer and the amount of the polymer which may be added to drinking water to remove particulates. Drinking water systems which comply with this treatment technique have little to no risk and are considered safe with respect to acrylamide.

- 24) Alachlor. The United States Environmental Protection Agency (USEPA W-5-BPA) sets drinking water standards and has determined that alachlor is a health concern at certain levels of exposure. This organic chemical is a widely used pesticide. When soil and climatic conditions are favorable, alachlor may get into drinking water by runoff into surface water or by leaching into ground water. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA W-5-BPA has set the drinking water standard for alachlor at 0.002 parts per million (ppm) to reduce the risk of

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to alachlor.

- 25) Aldicarb. The United States Environmental Protection Agency (USEPA W-5-BPA) sets drinking water standards and has determined that aldicarb is a health concern at certain levels of exposure. Aldicarb is a widely used pesticide. Under certain soil and climatic conditions (e.g., sandy soil and high rainfall), aldicarb may leach into groundwater after normal agricultural applications to crops such as potatoes or peanuts or may enter drinking water supplies as a result of surface runoff. This chemical has been shown to damage the nervous system in laboratory animals such as rats and dogs exposed to high levels. USEPA W-5-BPA has set the drinking water standard for aldicarb at 0.003 parts per million (ppm) to reduce the risk of adverse health effects. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to aldicarb.

- 26) Aldicarb sulfoxide. The United States Environmental Protection Agency (USEPA W-5-BPA) sets drinking water standards and has determined that aldicarb sulfoxide is a health concern at certain levels of exposure. Aldicarb is a widely used pesticide. Aldicarb sulfoxide in groundwater is primarily a breakdown product of aldicarb. Under certain soil and climatic conditions (e.g., sandy soil and high rainfall), aldicarb sulfoxide may leach into groundwater after normal agricultural applications to crops such as potatoes or peanuts or may enter drinking water supplies as a result of surface runoff. This chemical has been shown to damage the nervous system in laboratory animals such as rats and dogs exposed to high levels. USEPA W-5-BPA has set the drinking water standard for aldicarb sulfoxide at 0.004 parts per million (ppm) to reduce the risk of adverse health effects. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to aldicarb sulfoxide.

- 27) Aldicarb sulfone. The United States Environmental Protection Agency (USEPA W-5-BPA) sets drinking water standards and has determined that aldicarb sulfone is a health concern at certain levels of exposure. Aldicarb is a widely used pesticide. Aldicarb sulfone in groundwater is primarily a breakdown product of aldicarb. Under certain soil and climatic conditions (e.g., sandy soil and high rainfall), aldicarb sulfone may leach into groundwater after normal agricultural applications to crops such as potatoes or peanuts or may enter drinking water supplies as a result of surface runoff. This chemical has been shown to damage the nervous system in laboratory animals such as rats and dogs exposed to high levels. USEPA W-5-BPA has set the drinking water standard for aldicarb sulfone at 0.002 parts per million (ppm) to reduce the risk of adverse health effects. Drinking water that meets this standard is associated with little to none of



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

this risk and is considered safe with respect to aldicarb sulfone.

28) Atrazine. The United States Environmental Protection Agency (USEPA W-9-9-9-BPA) sets drinking water standards and has determined that atrazine is a health concern at certain levels of exposure. This organic chemical is a herbicide. When soil and climatic conditions are favorable, atrazine may get into drinking water by runoff into surface water or by leaching into ground water. This chemical has been shown to affect offspring of rats and the hearts ~~heart~~ of dogs. USEPA W-9-9-9-BPA has set the drinking water standard for atrazine at 0.003 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA W-9-9-9-BPA standard is associated with little to none of this risk and is considered safe with respect to atrazine.

29) Carbofuran. The United States Environmental Protection Agency (USEPA W-9-9-9-BPA) sets drinking water standards and has determined that carbofuran is a health concern at certain levels of exposure. This organic chemical is a pesticide. When soil and climatic conditions are favorable, carbofuran may get into drinking water by runoff into surface water or by leaching into ground water. This chemical has been shown to damage the nervous and reproductive systems of laboratory animals such as rats and mice exposed at high levels over their lifetimes. Some humans who were exposed to relatively large amounts of this chemical during their working careers also suffered damage to the nervous system. Effects on the nervous system are generally rapidly reversible. USEPA W-9-9-9-BPA has set the drinking water standard for carbofuran at 0.04 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA W-9-9-9-BPA standard is associated with little to none of this risk and is considered safe with respect to carbofuran.

30) Chlordane. The United States Environmental Protection Agency (USEPA W-9-9-9-BPA) sets drinking water standards and has determined that chlordane is a health concern at certain levels of exposure. This organic chemical is a pesticide used to control termites. Chlordane is not very mobile in soils. It usually gets into drinking water after application near water supply intakes or wells. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA W-9-9-9-BPA has set the drinking water standard for chlordane at 0.002 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets the USEPA W-9-9-9-BPA standard is associated with little to none of this risk and is considered safe with respect to chlordane.

31) Dibromochloropropane (DBCP). The United States Environmental Protection Agency (USEPA W-9-9-9-BPA) sets drinking water standards and

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

has determined that DBCP is a health concern at certain levels of exposure. This organic chemical was once a popular pesticide. When soil and climatic conditions are favorable, DBCP may get into drinking water by runoff into surface water or by leaching into ground water. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA W-9-9-9-BPA has set the drinking water standard for DBCP at 0.0002 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets the USEPA W-9-9-9-BPA standard is associated with little to none of this risk and is considered safe with respect to DBCP.

32) o-Dichlorobenzene. The United States Environmental Protection Agency (USEPA W-9-9-9-BPA) sets drinking water standards and has determined that o-dichlorobenzene is a health concern at certain levels of exposure. This organic chemical is used as a solvent in the production of pesticides and dyes. It generally gets into water by improper waste disposal. This chemical has been shown to damage the liver, kidney and the blood cells of laboratory animals such as rats and mice exposed to high levels during their lifetimes. Some industrial workers who were exposed to relatively large amounts of this chemical during working careers also suffered damage to the liver, nervous system, and circulatory system. USEPA W-9-9-9-BPA has set the drinking water standard for o-dichlorobenzene at 0.6 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA W-9-9-9-BPA standard is associated with little to none of this risk and is considered safe with respect to o-dichlorobenzene.

33) cis-1,2-Dichloroethylene. The United States Environmental Protection Agency (USEPA W-9-9-9-BPA) establishes drinking water standards and has determined that cis-1,2-dichloroethylene is a health concern at certain levels of exposure. This organic chemical is used as a solvent and intermediate in chemical production. It generally gets into water by improper waste disposal. This chemical has been shown to damage the liver, nervous system, and circulatory system of laboratory animals such as rats and mice when exposed at high levels over their lifetimes. Some humans who were exposed to relatively large amount of this chemical also suffered damage to the nervous system. USEPA W-9-9-9-BPA has set the drinking water standard for cis-1,2-dichloroethylene at 0.07 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA W-9-9-9-BPA standard is associated with little to none of this risk and is considered safe with respect to cis-1,2-dichloroethylene.

34) trans-1,2-Dichloroethylene. The United States Environmental Protection Agency (USEPA W-9-9-9-BPA) establishes drinking water

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

standards and has determined that trans-1,2-dichloroethylene is a health concern at certain levels of exposure. This organic chemical is used as a solvent and intermediate in chemical production. It generally gets into water by improper waste disposal. This chemical has been shown to damage the liver, nervous system, and the circulatory system of laboratory animals such as rats and mice when exposed at high levels over their lifetimes. Some humans who were exposed to relatively large amounts of this chemical also suffered damage to the nervous system. USEPA 8-S-7-BPA has set the drinking water standard for trans-1,2-dichloroethylene at 0.1 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA 8-S-7-BPA standard is associated with little to none of this risk and is considered safe with respect to trans-1,2-dichloroethylene.

35) 1,2-Dichloropropane. The United States Environmental Protection Agency (USEPA 8-S-7-BPA) sets drinking water standards and has determined that 1,2-dichloropropane is a health concern at certain levels of exposure. This organic chemical is used as a solvent and pesticide. When soil and climatic conditions are favorable, 1,2-dichloropropane may get into drinking water by runoff into surface water or by leaching into ground water. It may also get into drinking water through improper waste disposal. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA 8-S-7-BPA has set the drinking water standard for 1,2-dichloropropane at 0.005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets the USEPA 8-S-7-BPA standard is associated with little to none of this risk and is considered safe with respect to 1,2-dichloropropane.

36) 2,4-D. This contaminant is subject to an "additional State requirement". The supplier shall give the following notice if the level exceeds the Section 611.311 MCL. If the level exceeds the Section 611.310 MCL, but not that of Section 611.311, the supplier shall give a general notice under Section 611.854.

The United States Environmental Protection Agency (USEPA 8-S-7-BPA) sets drinking water standards and has determined that 2,4-D is a health concern at certain levels of exposure. This organic chemical is used as a herbicide and to control algae in reservoirs. When soil and climatic conditions are favorable, 2,4-D may get into drinking water by runoff into surface water or by leaching into ground water. This chemical has been shown to damage the liver and kidney of laboratory animals such as rats exposed at high levels during their lifetimes. Some humans who were exposed to relatively large amounts of this chemical also suffered damage to the nervous system. USEPA 8-S-7-BPA has set the drinking water standard for 2,4-D at 0.07 parts

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA 8-S-7-BPA standard is associated with little to none of this risk and is considered safe with respect to 2,4-D.

37) Epichlorohydrin. The United States Environmental Protection Agency (USEPA 8-S-7-BPA) sets drinking water standards and has determined that epichlorohydrin is a health concern at certain levels of exposure. Polymers made from epichlorohydrin are sometimes used in the treatment of water supplies as a flocculent to remove particulates. Epichlorohydrin generally gets into drinking water by improper use of these polymers. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA 8-S-7-BPA has set the drinking water standard for epichlorohydrin using a treatment technique to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. This treatment technique limits the amount of epichlorohydrin in the polymer and the amount of the polymer which may be added to drinking water as a flocculent to remove particulates. Drinking water systems which comply with this treatment technique have little to no risk and are considered safe with respect to epichlorohydrin.

38) Ethylbenzene. The United States Environmental Protection Agency (USEPA 8-S-7-BPA) sets drinking water standards and has determined that ethylbenzene is a health concern at certain levels of exposure. This organic chemical is a major component of gasoline. It generally gets into water by improper waste disposal or leaking gasoline tanks. This chemical has been shown to damage the kidney, liver, and nervous system of laboratory animals such as rats exposed to high levels during their lifetimes. USEPA 8-S-7-BPA has set the drinking water standard for ethylbenzene at 0.7 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA 8-S-7-BPA standard is associated with little to none of this risk and is considered safe with respect to ethylbenzene.

39) Ethylene dibromide (EDB). The United States Environmental Protection Agency (USEPA 8-S-7-BPA) sets drinking water standards and has determined that EDB is a health concern at certain levels of exposure. This organic chemical was once a popular pesticide. When soil and climatic conditions are favorable, EDB may get into drinking water by runoff into surface water or by leaching into ground water. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA 8-S-7-BPA has set the drinking water standard for EDB at 0.0005 parts per million (ppm) to reduce the risk of cancer of other adverse health effects which have been observed in



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

laboratory animals. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to EDB.

- 40) Heptachlor. This contaminant is subject to an "additional State requirement". The supplier shall give the following notice if the level exceeds the Section 611.311 MCL. If the level exceeds the Section 611.310 MCL, but not that of Section 611.311, the supplier shall give a general notice under Section 611.854.

The United States Environmental Protection Agency (USEPA 8-9--BPA) sets drinking water standards and has determined that heptachlor is a health concern at certain levels of exposure. This organic chemical was once a popular pesticide. When soil and climatic conditions are favorable, heptachlor may get into drinking water by runoff into surface water or by leaching into ground water. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA 8-9--BPA has set the drinking water standards for heptachlor at 0.0004 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to heptachlor.

- 41) Heptachlor epoxide. This contaminant is subject to an "additional State requirement". The supplier shall give the following notice if the level exceeds the Section 611.311 MCL. If the level exceeds the Section 611.310 MCL, but not that of Section 611.311, the supplier shall give a general notice under Section 611.854.

The United States Environmental Protection Agency (USEPA 8-9--BPA) sets drinking water standards and has determined that heptachlor epoxide is a health concern at certain levels of exposure. This organic chemical was once a popular pesticide. When soil and climatic conditions are favorable, heptachlor epoxide may get into drinking water by runoff into surface water or by leaching into ground water. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA 8-9--BPA has set the drinking water standards for heptachlor epoxide at 0.0002 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to heptachlor epoxide.

- 42) Lindane. The United States Environmental Protection Agency (USEPA 8-9--BPA) sets drinking water standards and has determined that lindane is a health concern at certain levels of exposure. This

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

organic chemical is used as a pesticide. When soil and climatic conditions are favorable, lindane may get into drinking water by runoff into surface water or by leaching into ground water. This chemical has been shown to damage the liver, kidney, nervous system, and immune system of laboratory animals such as rats, mice and dogs exposed at high levels during their lifetimes. Some humans who were exposed to relatively large amounts of this chemical also suffered damage to the nervous system and circulatory system. USEPA 8-9--BPA has established the drinking water standard for lindane at 0.0002 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA 8-9--BPA standard is associated with little to none of this risk and is considered safe with respect to lindane.

- 43) Methoxychlor. The United States Environmental Protection Agency (USEPA 8-9--BPA) sets drinking water standards and has determined that methoxychlor is a health concern at certain levels of exposure. This organic chemical is used as a pesticide. When soil and climatic conditions are favorable, methoxychlor may get into drinking water by runoff into surface water or by leaching into ground water. This chemical has been shown to damage the liver, kidney, nervous system, and reproductive system of laboratory animals such as rats exposed at high levels during their lifetimes. It has also been shown to produce growth retardation in rats. USEPA 8-9--BPA has set the drinking water standard for methoxychlor at 0.04 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA 8-9--BPA standard is associated with little to none of this risk and is considered safe with respect to methoxychlor.

- 44) Monochlorobenzene. The United States Environmental Protection Agency (USEPA 8-9--BPA) sets drinking water standards and has determined that monochlorobenzene is a health concern at certain levels of exposure. This organic chemical is used as a solvent. It generally gets into water by improper waste disposal. This chemical has been shown to damage the liver, kidney and nervous system of laboratory animals such as rats and mice exposed to high levels during their lifetimes. USEPA 8-9--BPA has set the drinking water standard for monochlorobenzene at 0.1 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA 8-9--BPA standard is associated with little to none of this risk and is considered safe with respect to monochlorobenzene.

- 45) Polychlorinated biphenyls (PCBs). The United States Environmental Protection Agency (USEPA 8-9--BPA) sets drinking water standards and has determined that polychlorinated biphenyls (PCBs) are a health concern at certain levels of exposure. These organic chemicals were once widely used in electrical transformers and other industrial equipment. They generally get into drinking water by improper waste disposal or leaking electrical industrial equipment. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes.

POLLUTION CONTROL BOARD  
NOTICE OF ADOPTED AMENDMENTS

cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA W-S--BPA has set the drinking water standard for tetrachloroethylene at 0.005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to tetrachloroethylene.

49) Toluene. The United States Environmental Protection Agency (USEPA W-S--BPA) sets drinking water standards and has determined that toluene is a health concern at certain levels of exposure. This organic chemical is used as a solvent and in the manufacture of gasoline for airplanes. It generally gets into water by improper waste disposal or leaking underground storage tanks. This chemical has been shown to damage the kidney, nervous system, and circulatory system of laboratory animals such as rats and mice exposed to high levels during their lifetimes. Some industrial workers who were exposed to relatively large amounts of this chemical during working careers also suffered damage to the liver, kidney and nervous system. USEPA W-S--BPA has set the drinking water standard for toluene at 1 part per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA W-S--BPA standard is associated with little to none of this risk and is considered safe with respect to toluene.

50) Toxaphene. The United States Environmental Protection Agency (USEPA W-S--BPA) sets drinking water standards and has determined that toxaphene is a health concern at certain levels of exposure. This organic chemical was once a pesticide widely used on cotton, corn, soybeans, pineapples and other crops. When soil and climatic conditions are favorable, toxaphene may get into drinking water by runoff into surface water or by leaching into ground water. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that caused cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA W-S--BPA has set the drinking water standard for toxaphene at 0.003 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to toxaphene.

51) 2,4,5-TP. The United States Environmental Protection Agency (USEPA W-S--BPA) sets drinking water standards and has determined that 2,4,5-TP is a health concern at certain levels of exposure. This organic chemical is used as a herbicide. When soil and climatic conditions are favorable, 2,4,5-TP may get into drinking water by runoff into surface water or by leaching into ground water. This chemical has been shown to damage the liver and kidney of laboratory animals such as rats and dogs exposed to high levels during their

POLLUTION CONTROL BOARD  
NOTICE OF ADOPTED AMENDMENTS

Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA W-S--BPA has set the drinking water standard for PCBs at 0.0005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to PCBs.

46) Pentachlorophenol. The United States Environmental Protection Agency (USEPA W-S--BPA) sets drinking water standards and has determined that pentachlorophenol is a health concern at certain levels of exposure. This organic chemical is widely used as a wood preservative, herbicide, disinfectant, and defoliant. It generally gets into drinking water by runoff into surface water or leaching into groundwater. This chemical has been shown to produce adverse reproductive effects and to damage the liver and kidneys of laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Some humans who were exposed to relatively large amounts of this chemical also suffered damage to the liver and kidneys. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA W-S--BPA has set the drinking water standard for pentachlorophenol at 0.001 parts per million (ppm) to reduce the risk of adverse health effects. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to pentachlorophenol.

47) Styrene. The United States Environmental Protection Agency (USEPA W-S--BPA) sets drinking water standards and has determined that styrene is a health concern at certain levels of exposure. This organic chemical is commonly used to make plastics and is sometimes a component of resins used for drinking water treatment. Styrene may get into drinking water from improper waste disposal. This chemical has been shown to damage the liver and nervous system in laboratory animals when exposed at high levels during their lifetimes. USEPA W-S--BPA has set the drinking water standard for styrene at 0.1 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA W-S--BPA standard is associated with little to none of this risk and is considered safe with respect to styrene.

48) Tetrachloroethylene. The United States Environmental Protection Agency (USEPA W-S--BPA) sets drinking water standards and has determined that tetrachloroethylene is a health concern at certain levels of exposure. This organic chemical has been a popular solvent, particularly for dry cleaning. It generally gets into drinking water by improper waste disposal. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

lifetimes. Some industrial workers who were exposed to relatively large amounts of this chemical during working careers also suffered damage to the nervous system. USEPA ~~U-S--BPA~~ has set the drinking water standard for 2,4,5-TP at 0.05 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA U-S--BPA standard is associated with little to none of this risk and is considered safe with respect to 2,4,5-TP.

52) Xylenes. The United States Environmental Protection Agency (USEPA ~~U-S--BPA~~) sets drinking water standards and has determined that xylene is a health concern at certain levels of exposure. This organic chemical is used in the manufacture of gasoline for airplanes and as a solvent for pesticides, and as a cleaner and degreaser of metals. It usually gets into water by improper waste disposal. This chemical has been shown to damage the liver, kidney and nervous system of laboratory animals such as rats and dogs exposed to high levels during their lifetimes. Some humans who were exposed to relatively large amounts of this chemical also suffered damage to the nervous system. USEPA U-S--BPA has set the drinking water standard for xylene at 10 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA U-S--BPA standard is associated with little to none of this risk and is considered safe with respect to xylene.

53) Antimony. The United States Environmental Protection Agency (USEPA ~~U-S--BPA~~) sets drinking water standards and has determined that antimony is a health concern at certain levels of exposure. This inorganic chemical occurs naturally in soils, ground water, and surface water and is often used in the flame retardant industry. It is also used in ceramics and glass, batteries, fireworks, and explosives. It may get into drinking water through natural weathering of rock, industrial production, municipal waste disposal, or manufacturing processes. This chemical has been shown to decrease longevity, and altered blood levels of cholesterol and glucose in laboratory animals such as rats exposed to high levels during their lifetimes. USEPA U-S--BPA has set the drinking water standard for antimony at 0.06 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA U-S--BPA standard is associated with little to none of this risk and is considered safe with respect to antimony.

54) Beryllium. The United States Environmental Protection Agency (USEPA ~~U-S--BPA~~) sets drinking water standards and has determined that beryllium is a health concern at certain levels of exposure. This inorganic chemical occurs naturally in soils, ground water, and surface water and is often used in electrical equipment and electrical components. It generally gets into water from runoff from mining operations, discharge from processing plants, and improper waste disposal. Beryllium compounds have been associated with damage to the bones and lungs and induction of cancer in laboratory animals such as rats and mice when the animals are exposed to high levels during their

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

lifetimes. There is limited evidence to suggest that beryllium may pose a cancer risk via drinking water exposure. Therefore, USEPA U-S--BPA based the health assessment on noncancer effects with the extra uncertainty factor to account for possible carcinogenicity. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA U-S--BPA has set the drinking water standard for beryllium at 0.004 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA U-S--BPA standard is associated with little to none of this risk and is considered safe with respect to beryllium.

55) Cyanide. The United States Environmental Protection Agency (USEPA ~~U-S--BPA~~) sets drinking water standards and has determined that cyanide is a health concern at certain levels of exposure. This inorganic chemical is used in electroplating, steel processing, plastics, synthetic fabrics, and fertilizer products. It usually gets into water as a result of improper waste disposal. This chemical has been shown to damage the spleen, brain, and liver of humans fatally poisoned with cyanide. USEPA U-S--BPA has set the drinking water standard for cyanide at 0.2 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA U-S--BPA standard is associated with little to none of this risk and is considered safe with respect to cyanide.

56) Nickel. This subsection corresponds with 40 CFR 141.32(e)(56) marked "reserved" by USEPA. This statement maintains structural consistency with USEPA rules. ~~The United States Environmental Protection Agency (USEPA U-S--BPA) sets drinking water standards and has determined that nickel is a health concern at certain levels of exposure. This inorganic chemical occurs naturally in soils, ground water, and surface water and is often used in electroplating, stainless-steel refining operations. This chemical has been shown to damage the heart and liver in laboratory animals when the animals are exposed to high levels over their lifetimes. USEPA U-S--BPA has set the drinking water standard at 0.1 parts per million (ppm) for nickel to protect against the risk of these adverse health effects. Drinking water that meets the USEPA U-S--BPA standard is associated with little to none of this risk and is considered safe with respect to nickel.~~

57) Thallium. The United States Environmental Protection Agency (USEPA ~~U-S--BPA~~) sets drinking water standards and has determined that thallium is a health concern at certain high levels of exposure. This inorganic chemical occurs naturally in soils, ground water, and surface water and is used in electronics, pharmaceuticals, and the manufacture of glass and alloys. This chemical has been shown to damage the kidney, liver, brain, and intestines of laboratory animals when the animals are exposed to high levels during their lifetimes. USEPA U-S--BPA has set the drinking water standard for thallium at 0.002 parts per million (ppm) to protect against the risk of these

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

adverse health effects. Drinking water that meets the USEPA W-S--BPA standard is associated with little to none of this risk and is considered safe with respect to thallium.

- 58) Benzo(a)pyrene. The United States Environmental Protection Agency (USEPA W-S--BPA) sets drinking water standards and has determined that benzo(a)pyrene is a health concern at certain levels of exposure. Cigarette smoke and charbroiled meats are common sources of general exposure. The major source of benzo(a)pyrene in drinking water is the leaching from coal tar lining and sealants in water storage tanks. This chemical has been shown to cause cancer in animals such as rats and mice when the animals are exposed to high levels. USEPA W-S--BPA has set the drinking water standard for benzo(a)pyrene at 0.0002 parts per million (ppm) to protect against the risk of cancer. Drinking water that meets the USEPA W-S--BPA standard is associated with little to none of this risk and is considered safe with respect to benzo(a)pyrene.

- 59) Dalapon. The United States Environmental Protection Agency (USEPA W-S--BPA) sets drinking water standards and has determined that dalapon is a health concern at certain levels of exposure. This organic chemical is a widely used herbicide. It may get into drinking water after application to control grasses in crops, drainage ditches, and along railroads. This chemical has been associated with damage to the kidney and liver in laboratory animals when the animals are exposed to high levels during their lifetimes. USEPA W-S--BPA has set the drinking water standard for dalapon at 0.2 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA W-S--BPA standard is associated with little to none of this risk and is considered safe with respect to dalapon.

- 60) Dichloromethane. The United States Environmental Protection Agency (USEPA W-S--BPA) sets drinking water standards and has determined that dichloromethane (methylene chloride) is a health concern at certain levels of exposure. This organic chemical is a widely used solvent. It is used in the manufacture of paint remover, as a metal degreaser, and as an aerosol propellant. It generally gets into water after improper discharge of waste disposal. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed to high levels during their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA W-S--BPA has set the drinking water standard for dichloromethane at 0.005 parts per million (ppm) to protect against the risk of cancer or other adverse health effects. Drinking water that meets the USEPA W-S--BPA standard is associated with little to none of this risk and is considered safe with respect to dichloromethane.

- 61) Di(2-ethylhexyl)adipate. The United States Environmental Protection Agency (USEPA W-S--BPA) sets drinking water standards and has determined that di(2-ethylhexyl)adipate is a health concern at certain levels of exposure. Di(2-ethylhexyl)adipate is a widely used

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

plasticizer in a variety of products, including synthetic rubber, food packaging material, and cosmetics. It may get into drinking water after improper waste disposal. This chemical has been shown to damage the liver and tests in laboratory animals such as rats and mice when the animals are exposed to high levels. USEPA W-S--BPA has set the drinking water standard for di(2-ethylhexyl)adipate at 0.4 parts per million (ppm) to protect against the risk of adverse health effects that have been observed in laboratory animals. Drinking water that meets the USEPA W-S--BPA standard is associated with little to none of this risk and is considered safe with respect to di(2-ethylhexyl)adipate.

- 62) Di(2-ethylhexyl)phthalate. The United States Environmental Protection Agency (USEPA W-S--BPA) sets drinking water standards and has determined that di(2-ethylhexyl)phthalate is a health concern at certain levels of exposure. Di(2-ethylhexyl)phthalate is a widely used plasticizer, which is primarily used in the production of polyvinyl chloride (PVC) resins. It may get into drinking water after improper waste disposal. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed to high levels during their lifetimes. USEPA W-S--BPA has set the drinking water standard for di(2-ethylhexyl)phthalate at 0.004 parts per million (ppm) to protect against the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets the USEPA W-S--BPA standard is associated with little to none of this risk and is considered safe with respect to di(2-ethylhexyl)phthalate.

- 63) Dinoseb. The United States Environmental Protection Agency (USEPA W-S--BPA) sets drinking water standards and has determined that dinoseb is a health concern at certain levels of exposure. Dinoseb is a widely used pesticide and generally gets into water after application on orchards, vineyards, and other crops. This chemical has been shown to damage the thyroid and reproductive organs in laboratory animals such as rats exposed to high levels. USEPA W-S--BPA has set the drinking water standard for dinoseb at 0.007 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA W-S--BPA standard is associated with little to none of this risk and is considered safe with respect to dinoseb.

- 64) Diquat. The United States Environmental Protection Agency (USEPA W-S--BPA) sets drinking water standards and has determined that diquat is a health concern at certain levels of exposure. This organic chemical is a herbicide used to control terrestrial and aquatic weeds. It may get into drinking water by runoff into surface water. This chemical has been shown to damage the liver, kidney, and gastrointestinal tract and causes cataract formation in laboratory animals such as dogs and rats exposed at high levels over their lifetimes. USEPA W-S--BPA has set the drinking water standard for diquat at 0.02 parts per million (ppm) to protect against the risk of these adverse health effects.



POLLUTION CONTROL BOARD  
NOTICE OF ADOPTED AMENDMENTS

Drinking water that meets the USEPA 8-S-8-BPA standard is associated with little to none of this risk and is considered safe with respect to diquant.

65) Endothall. The United States Environmental Protection Agency (USEPA 8-S-8-BPA) sets drinking water standards and has determined that endothall is a health concern at certain levels of exposure. This organic chemical is a herbicide used to control terrestrial and aquatic weeds. It may get into drinking water by runoff into surface water. This chemical has been shown to damage the liver, kidney, gastrointestinal tract, and reproductive system of laboratory animals such as rats and mice exposed at high levels over their lifetimes. USEPA 8-S-8-BPA has set the drinking water standard for endothall at 0.1 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA 8-S-8-BPA standard is associated with little to none of this risk and is considered safe with respect to endothall.

66) Endrin. The United States Environmental Protection Agency (USEPA 8-S-8-BPA) sets drinking water standards and has determined that endrin is a health concern at certain levels of exposure. This organic chemical is a pesticide no longer registered for use in the United States. However, this pesticide is persistent in treated soils and accumulates in sediments and aquatic and terrestrial biota. This chemical has been shown to cause damage to the liver, kidney, and heart in laboratory animals such as rats and mice when the animals are exposed to high levels during their lifetimes. USEPA 8-S-8-BPA has set the drinking water standard for endrin at 0.002 parts per million (ppm) to protect against the risk of these adverse health effects that have been observed in laboratory animals. Drinking water that meets the USEPA 8-S-8-BPA standard is associated with little to none of this risk and is considered safe with respect to endrin.

67) Glyphosate. The United States Environmental Protection Agency (USEPA 8-S-8-BPA) sets drinking water standards and has determined that glyphosate is a health concern at certain levels of exposure. This organic chemical is a herbicide used to control grasses and weeds. It may get into drinking water by runoff into surface water. This chemical has been shown to cause damage to the liver and kidneys in laboratory animals such as rats and mice when the animals are exposed to high levels during their lifetimes. USEPA 8-S-8-BPA has set the drinking water standard for glyphosate at 0.7 parts per million (ppm) to protect against their risk of these adverse health effects. Drinking water that meets the USEPA 8-S-8-BPA standard is associated with little to none of this risk and is considered safe with respect to glyphosate.

68) Hexachlorobenzene. The United States Environmental Protection Agency (USEPA 8-S-8-BPA) sets drinking water standards and has determined that hexachlorobenzene is a health concern at certain levels of exposure. This organic chemical is produced as an impurity in the manufacture of certain solvents and pesticides. This chemical has been shown to

POLLUTION CONTROL BOARD  
NOTICE OF ADOPTED AMENDMENTS

cause cancer in laboratory animals such as rats and mice when the animals are exposed to high levels during their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA 8-S-8-BPA has set the drinking water standard for hexachlorobenzene at 0.001 parts per million (ppm) to protect against the risk of cancer and other adverse health effects. Drinking water that meets the USEPA 8-S-8-BPA standard is associated with little to none of this risk and is considered safe with respect to hexachlorobenzene.

69) Hexachlorocyclopentadiene. The United States Environmental Protection Agency (USEPA 8-S-8-BPA) sets drinking water standards and has determined that hexachlorocyclopentadiene is a health concern at certain levels of exposure. This organic chemical is used as an intermediate in the manufacture of pesticides and flame retardants. It may get into water by discharge from production facilities. This chemical has been shown to damage the kidney and the stomach of laboratory animals when exposed to high levels during their lifetimes. USEPA 8-S-8-BPA has set the drinking water standard for hexachlorocyclopentadiene at 0.05 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA 8-S-8-BPA standard is associated with little to none of this risk and is considered safe with respect to hexachlorocyclopentadiene.

70) Oxamyl. The United States Environmental Protection Agency (USEPA 8-S-8-BPA) sets drinking water standards and has determined that oxamyl is a health concern at certain levels of exposure. This organic chemical is used as a pesticide for the control of insects and other pests. It may get into drinking water by runoff into surface water or leaching into ground-water. This chemical has been shown to damage the kidneys of laboratory animals such as rats when exposed at high levels during their lifetimes. USEPA 8-S-8-BPA has set the drinking water standard for oxamyl at 0.2 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA 8-S-8-BPA standard is associated with little to none of this risk and is considered safe with respect to oxamyl.

71) Picloram. The United States Environmental Protection Agency (USEPA 8-S-8-BPA) sets drinking water standards and has determined that picloram is a health concern at certain levels of exposure. This organic chemical is used as a pesticide for broadleaf weed control. It may get into drinking water by runoff into surface water or leaching into groundwater as a result of pesticide application and improper waste disposal. This chemical has been shown to cause damage to the kidneys and liver in laboratory animals such as rats when the animals are exposed to high levels during their lifetimes. USEPA 8-S-8-BPA has set the drinking water standard for picloram at 0.5 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA 8-S-8-BPA standard is associated with little to none of this risk and is considered safe

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

with respect to picloram.

72) Simazine. The United States Environmental Protection Agency (USEPA 8-S-7-BPA) sets drinking water standards and has determined that simazine is a health concern at certain levels of exposure. This organic chemical is a herbicide used to control annual grasses and broadleaf weeds. It may leach into groundwater or run off into surface water after application. This chemical may cause cancer in laboratory animals such as rats and mice when the animals are exposed to high levels during their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA 8-S-7-BPA has set the drinking water standard for simazine at 0.004 parts per million (ppm) to reduce the risk of cancer or adverse health effects. Drinking water that meets the USEPA 8-S-7-BPA standard is associated with little to none of this risk and is considered safe with respect to simazine.

73) 1,2,4-Trichlorobenzene. The United States Environmental Protection Agency (USEPA 8-S-7-BPA) sets drinking water standards and has determined that 1,2,4-trichlorobenzene is a health concern at certain levels of exposure. This organic chemical is used as a dye carrier and as a precursor in herbicide manufacture. It generally gets into drinking water by discharge from industrial activities. This chemical has been shown to cause damage to several organs, including the adrenal glands. USEPA 8-S-7-BPA has set the drinking water standard for 1,2,4-trichlorobenzene at 0.07 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA 8-S-7-BPA standard is associated with little to none of this risk and is considered safe with respect to 1,2,4-trichlorobenzene.

74) 1,1,2-Trichloroethane. The United States Environmental Protection Agency (USEPA 8-S-7-BPA) sets drinking water standards and has determined that 1,1,2-trichloroethane is a health concern at certain levels of exposure. This organic chemical is an intermediate in the production of 1,1-dichloroethylene. It generally gets into water by industrial discharge of wastes. This chemical has been shown to damage the kidney and liver of laboratory animals such as rats exposed to high levels during their lifetimes. USEPA 8-S-7-BPA has set the drinking water standard for 1,1,2-trichloroethane at 0.005 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA 8-S-7-BPA standard is associated with little to none of this risk and is considered safe with respect to 1,1,2-trichloroethane.

75) 2,3,7,8-TCDD (dioxin). The United States Environmental Protection Agency (USEPA 8-S-7-BPA) sets drinking water standards and has determined that dioxin is a health concern at certain levels of exposure. This organic chemical is an impurity in the production of some pesticides. It may get into drinking water by industrial discharge of wastes. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

to high levels during their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA 8-S-7-BPA has set the drinking water standard for dioxin at 0.00000003 parts per million (ppm) to protect against the risk of cancer or other adverse health effects. Drinking water that meets the USEPA 8-S-7-BPA standard is associated with little to none of this risk and is considered safe with respect to dioxin.

BOARD NOTE: Derived from 40 CFR 141.32(e) (1995+994).

(Source: Amended at 20 Ill. Reg. ~~14493~~, effective OCT 22 1996)



## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

## Section 611. APPENDIX B Percent Inactivation of G. Lamblia Cysts

TABLE 1.1

CT-99.9 FOR 99.9 PERCENT INACTIVATION OF GIARDIA LAMBLIA CYSTS  
BY FREE CHLORINE AT 0.5 DEGREES C OR LOWER

These CT values achieve greater than a 99.99 percent inactivation of viruses. CT values between the indicated pH values may be determined by linear interpolation. CT values between the indicated temperatures of different tables may be determined by linear interpolation. If no interpolation is used, use the CT 99.9 value at the lower temperature and at the higher pH.

Free Residual		pH					less than	
(mg/L)		6.5	7.0	7.5	8.0	8.5	≤ 6.0	≥ 9.0
less than	137	163	195	237	277	329	390	
0.6	141	168	200	239	286	342	407	
0.8	145	172	205	246	295	354	422	
1.0	148	176	210	253	304	365	437	
1.2	152	180	215	259	313	376	451	
1.4	155	184	221	266	321	387	464	
1.6	157	189	226	273	329	397	477	
1.8	162	193	231	279	338	407	489	
2.0	165	197	236	286	346	417	500	
2.2	169	201	242	297	353	426	511	
2.4	172	205	247	304	361	435	522	
2.6	175	209	252	310	368	444	533	
2.8	178	213	257	316	375	452	543	
3.0	181	217	261	321	382	460	552	

TABLE 1.2

CT-99.9 FOR 99.9 PERCENT INACTIVATION OF GIARDIA LAMBLIA CYSTS  
BY FREE CHLORINE AT 5.0 DEGREES C

These CT values achieve greater than a 99.99 percent inactivation of viruses. CT values between the indicated pH values may be determined by linear interpolation. CT values between the indicated temperatures of different tables may be determined by linear interpolation. If no interpolation is used, use the CT 99.9 value at the lower temperature and at the higher pH.

Free Residual		pH					less than	
(mg/L)		6.5	7.0	7.5	8.0	8.5	≤ 6.0	≥ 9.0
less than	73	88	104	125	149	177	209	
0.6	75	90	107	128	153	183	218	
0.8	78	92	110	131	158	189	226	
1.0	79	94	112	134	162	195	234	
1.2	80	95	114	137	166	200	240	
1.4	82	98	116	140	170	206	247	
1.6	83	99	119	144	174	211	253	
1.8	86	101	122	147	179	215	259	
2.0	87	104	124	150	182	221	265	
2.2	89	105	127	153	186	225	271	
2.4	90	107	129	157	190	230	276	
2.6	92	110	131	160	194	234	281	
2.8	93	111	134	163	197	239	287	
3.0	95	113	137	166	201	243	292	

## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

TABLE 1.3

CT-99.9 FOR 99.9 PERCENT INACTIVATION OF GIARDIA LAMBLIA CYSTS  
BY FREE CHLORINE AT 10.0 DEGREES C

These CT values achieve greater than a 99.99 percent inactivation of viruses. CT values between the indicated pH values may be determined by linear interpolation. CT values between the indicated temperatures of different tables may be determined by linear interpolation. If no interpolation is used, use the CT 99.9 value at the lower temperature and at the higher pH.

Free Residual		pH					less than	
(mg/L)		6.5	7.0	7.5	8.0	8.5	≤ 6.0	≥ 9.0
less than	73	88	104	125	149	177	209	
0.6	75	90	107	128	153	183	218	
0.8	78	92	110	131	158	189	226	
1.0	79	94	112	134	162	195	234	
1.2	80	95	114	137	166	200	240	
1.4	82	98	116	140	170	206	247	
1.6	83	99	119	144	174	211	253	
1.8	86	101	122	147	179	215	259	
2.0	87	104	124	150	182	221	265	
2.2	89	105	127	153	186	225	271	
2.4	90	107	129	157	190	230	276	
2.6	92	110	131	160	194	234	281	
2.8	93	111	134	163	197	239	287	
3.0	95	113	137	166	201	243	292	





## POLLUTION CONTROL BOARD

## NOTICE OF ADOPTED AMENDMENTS

TABLE 2.1  
CT-99.9 FOR 99.9 PERCENT INACTIVATION OF GIARDIA LAMBLIA CYSTS  
BY CHLORINE DIOXIDE AND OZONE

These CT values achieve greater than a 99.99 percent inactivation of viruses. CT values between the indicated pH values may be determined by linear interpolation. If no interpolation is used, use the CT[99.9] value at the lower temperature for determining CT[99.9] values between indicated temperatures.

	5° C	10° C	15° C	20° C	>25° C
Chlorine dioxide	63÷	26÷	23÷	19÷	15÷ 11÷
Ozone	2.9	1.9	1.4	0.95	0.72 0.48

TABLE 3.1  
CT-99.9 FOR 99.9 PERCENT INACTIVATION OF GIARDIA LAMBLIA CYSTS  
BY CHLORAMINES

These values are for pH values of 6 to 9. These CT values may be assumed to achieve greater than a 99.99 percent inactivation of viruses only if chlorine is added and mixed in the water prior to the addition of ammonia. If this condition is not met, the system must demonstrate, based on on-site studies or other information, as approved by the Agency, that the system is achieving at least a 99.99 percent inactivation of viruses. CT values between the indicated temperatures may be determined by linear interpolation. If no interpolation is used, use the CT[99.9] value at the lower temperature for determining CT[99.9] values between indicated temperatures.

	5° C	10° C	15° C	20° C	>25° C
Chloramines	3800÷	2200÷	1850÷	1500÷	1100÷ 750÷

BOARD NOTE: Derived from 40 CFR 141.74(b) Tables 1.1 through 3.1 (1995) ~~7-as adopted at 54-Ped-Reg-29526, June-297-1989.~~

(Source: Amended at 20 Ill. Reg. **14493**, effective  
—OCT 2 2 1996—)

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Income Tax
- 2) Code Citation: 86 Ill. Adm. Code 100
- 3) Section Numbers: Adopted Action:  
100.2470 Amendment
- 4) Statutory Authority: 35 ILCS 5/101
- 5) Effective Date of Amendment(s): October 29, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: October 29, 1996
- 9) Notice of Proposal Published in Illinois Register: July 26, 1996, 20 Ill. Reg. 9840
- 10) Has JCAR issued a Statement of Objections to these Amendments? No
- 11) Differences between proposal and final version: No differences between proposal and final version.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? N/A
- 13) Will this amendment replace an emergency amendment currently in effect?  
NO
- 14) Are there any amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
100.9710	New Section	7/19/96, 20 Ill. Reg. 9488
100.2580	New Section	9/20/96, 20 Ill. Reg. 12575
15) <u>Summary and Purpose of Amendment(s):</u> Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G) of the Illinois Income Tax Act allow the subtraction from federal income in arriving at Illinois base income of amounts exempt from taxation by virtue of Illinois law, the Illinois or U.S. Constitutions or by reason of U.S. treaties or statutes. P.A. 89-460 added additional language to these provisions concerning bond premium amortization. This rulemaking adds to the rule the statutory language added by P.A. 89-460. P.A. 89-460 also added bonds issued by the Southwestern Illinois Development Authority to the list of bonds the interest of which is exempt from Illinois income taxation, and as a		

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

result, these bonds are added to subsection (f) of the rule. The rulemaking also corrects some typographical errors and omissions made when the rule was originally adopted.

16) Information and questions regarding this adopted amendment shall be directed to:

Keith Staats  
Associate Chief Counsel (Income Tax)  
Illinois Department of Revenue  
Legal Services Office  
101 West Jefferson  
Springfield, Illinois 62794  
Phone: (217) 782-7055

The full text of the adopted Amendment begins on the next page:

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE  
CHAPTER I: DEPARTMENT OF REVENUE

PART 100  
INCOME TAX

## SUBPART A: TAX IMPOSED

Section  
100.2000  
100.2050  
Introduction  
Net Income (IITA Section 202)

## SUBPART B: CREDITS

Section  
100.2100  
100.2101  
100.2110  
100.2120  
100.2130  
100.2140  
100.2150  
100.2160  
100.2170  
100.2180  
Replacement Tax Investment Credit Prior to January 1, 1994 (IITA 201(e))  
Replacement Tax Investment Credit (IITA 201(e))  
Investment Credit; Enterprise Zone (IITA 201(f))  
Jobs Tax Credit; Enterprise Zone and Foreign Trade Zone or Sub-Zone (IITA 201(g))  
Investment Credit; High Impact Business (IITA 201(h))  
Credit Against Income Tax for Replacement Tax (IITA 201(i))  
Training Expense Credit (IITA 201(j))  
Research and Development Credit (IITA 201(k))  
Tax Credits for Coal Research and Coal Utilization Equipment (IITA 206)  
Credit for Residential Real Property Taxes (IITA 208)

SUBPART C: NET OPERATING LOSSES OF UNITARY BUSINESS GROUPS  
OCCURRING PRIOR TO DECEMBER 31, 1986

Section  
100.2200  
100.2210  
100.2220  
100.2230  
100.2240  
Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group (IITA Section 202) - Scope  
Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Definitions  
Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Current Net Operating Losses; Offsets Between Members  
Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Carrybacks and Carryforwards  
Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary



## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

100.2250 Business Group: (IITA Section 202) - Effect of Combined Net Operating Loss in Computing Illinois Base Income  
 Net Operating Losses Occurring Prior to December 31, 1986, of Unitary Business Groups: Treatment by Members of the Unitary Business Group: (IITA Section 202) - Deadline for Filing Claims Based on Net Operating Losses Carried Back From a Combined Apportionment Year

SUBPART D: ILLINOIS NET LOSS DEDUCTIONS OCCURRING ON OR AFTER  
 DECEMBER 31, 1986

Section  
 100.2300 Illinois Net Loss Deductions for Losses Occurring On or After December 31, 1986  
 100.2310 Computation of the Illinois Net Loss Deduction  
 100.2320 Determination of the Amount of Illinois Net Loss Carryovers  
 100.2330 Illinois Net Loss Carrybacks and Net Loss Carryovers  
 100.2340 Illinois Net Loss Deductions of Corporations That are Members of a Unitary Business Group: Separate Unitary Versus Combined Unitary Returns  
 100.2350 Illinois Net Loss Deductions of Corporations that are Members of a Unitary Business Group: Changes in Membership

SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF INDIVIDUALS,  
 CORPORATIONS, TRUSTS AND ESTATES AND PARTNERSHIPS

Section  
 100.2470 Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))

SUBPART F: BASE INCOME OF INDIVIDUALS

Section  
 100.2590 Taxation of Certain Employees of Railroads, Motor Carriers, Air Carriers and Water Carriers

SUBPART G: BASE INCOME OF TRUSTS AND ESTATES

Section  
 100.2680 Capital Gain Income of Estates and Trusts Paid to or Permanently Set Aside for Charity

SUBPART I: GENERAL RULES OF ALLOCATION AND APPORTIONMENT OF  
 BASE INCOME

Section

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

100.3000 Terms Used in Article 3 (IITA Section 301)  
 100.3010 Business and Nonbusiness Income (IITA Section 301)  
 100.3020 Resident (IITA Section 301)

SUBPART J: COMPENSATION PAID TO NONRESIDENTS

Section  
 100.3100 Compensation (IITA Section 302)  
 100.3110 State (IITA Section 302)  
 100.3120 Allocation of Compensation Paid to Nonresidents (IITA Section 302)

SUBPART K: NON-BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section  
 100.3200 Taxability in Other State (IITA Section 303)  
 100.3210 Commercial Domicile (IITA Section 303)  
 100.3220 Allocation of Certain Items of Nonbusiness Income by Persons Other than Residents (IITA Section 303)

SUBPART L: BUSINESS INCOME OF PERSONS OTHER THAN RESIDENTS

Section  
 100.3300 Allocation and Apportionment of Base Income (IITA Section 304)  
 100.3310 Business Income of Persons Other than Residents (IITA Section 304) - In General  
 100.3320 Business Income of Persons Other Than Residents (IITA Section 304) - Apportionment  
 100.3330 Business Income of Persons Other Than Residents (IITA Section 304) - Allocation  
 100.3340 Business Income of Persons Other Than Residents (IITA Section 304)  
 100.3350 Property Factor (IITA Section 304)  
 100.3360 Payroll Factor (IITA Section 304)  
 100.3370 Sales Factor (IITA Section 304)  
 100.3380 Special Rules (IITA Section 304)  
 100.3390 Petitions for Alternative Allocation or Apportionment (IITA Section 304(f))

SUBPART N: TIME AND PLACE FOR FILING RETURNS

Section  
 100.5000 Time for Filing Returns: Individuals (IITA Section 505)  
 100.5010 Place for Filing Returns: All Taxpayers (IITA Section 505)  
 100.5020 Extensions of Time for Filing Returns: All Taxpayers (IITA Section 505)  
 100.5030 Taxpayer's Notification to the Department of Certain Federal Changes Arising in Federal Consolidated Return Years, and Arising in Certain Loss Carryback Years (IITA Section 506)

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

## SUBPART Q: COMPOSITE RETURNS

Section  
 100.5100 Composite Returns: Eligibility  
 100.5110 Composite Returns: Responsibilities of Authorized Agent  
 100.5120 Composite Returns: Individual Liability  
 100.5130 Composite Returns: Required forms and computation of Income  
 100.5140 Composite Returns: Estimated Payments  
 100.5150 Composite Returns: Tax, Penalties and Interest  
 100.5160 Composite Returns: Credit for Resident Individuals  
 100.5170 Composite Returns: Definition of a "Lloyd's Plan of Operation"

## SUBPART P: COMBINED RETURNS

Section  
 100.5200 Election to File a Combined Return  
 100.5210 Procedure for Making the Election  
 100.5220 Designated Agent for the Members  
 100.5230 Combined Estimated Tax Payments  
 100.5240 Claims for Credit of Overpayments  
 100.5250 Liability for Combined Tax, Penalty and Interest  
 100.5260 Combined Amended Returns  
 100.5270 Computation of Combined Income and Tax  
 100.5280 Definitions and Miscellaneous Provisions Relating to Combined Returns

## SUBPART Q: REQUIREMENT AND AMOUNT OF WITHHOLDING

Section  
 100.7000 Requirement of Withholding (IITA Section 701)  
 100.7010 Compensation Paid in this State (IITA Section 701)  
 100.7020 Transacting Business Within this State (IITA Section 701)  
 100.7030 Payments to Residents (IITA Section 701)  
 100.7040 Employer Registration (IITA Section 701)  
 100.7050 Computation of Amount Withheld (IITA Section 701)  
 100.7060 Additional Withholding (IITA Section 701)  
 100.7070 Voluntary Withholding (IITA Section 701)  
 100.7080 Correction of Underwithholding or Overwithholding (IITA Section 701)  
 100.7090 Reciprocal Agreement (IITA Section 701)  
 100.7095 Cross References

## SUBPART R: AMOUNT EXEMPT FROM WITHHOLDING

Section  
 100.7100 Withholding Exemption (IITA Section 702)  
 100.7110 Withholding Exemption Certificate (IITA Section 702)  
 100.7120 Exempt Withholding Under Reciprocal Agreements (IITA Section 702)

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

## SUBPART S: INFORMATION STATEMENT

Section  
 100.7200 Reports for Employee (IITA Section 703)

## SUBPART T: EMPLOYER'S RETURN AND PAYMENT OF TAX WITHHELD

Section  
 100.7300 Returns of Income Withheld from Wages (IITA Section 704)  
 100.7310 Quarterly Returns Filed on an Annual Basis (IITA Section 704)  
 100.7320 Time for Filing Returns (IITA Section 704)  
 100.7330 Payment of Tax Deducted and Withheld (IITA Section 704)  
 100.7340 Correction of Underwithholding or Overwithholding (IITA Section 704)

## SUBPART U: COLLECTION AUTHORITY

Section  
 100.9000 General Income Tax Procedures (IITA Section 901)  
 100.9010 Collection Authority (IITA Section 901)  
 100.9020 Child Support Collection (IITA Section 901)

## SUBPART V: NOTICE AND DEMAND

Section  
 100.9100 Notice and Demand (IITA Section 902)

## SUBPART W: ASSESSMENT

Section  
 100.9200 Assessment (IITA Section 903)  
 100.9210 Waiver of Restrictions on Assessments (IITA Section 907)

## SUBPART X: DEFICIENCIES AND OVERPAYMENTS

Section  
 100.9300 Deficiencies and Overpayments (IITA Section 904)  
 100.9310 Application of Tax Payments Within Unitary Business Groups (IITA Section 603)  
 100.9320 Limitations on Notices of Deficiency (IITA Section 905)  
 100.9330 Further Notices of Deficiency Restricted (IITA Section 906)

## SUBPART Y: CREDITS AND REFUNDS

Section  
 100.9400 Credits and Refunds (IITA Section 909)  
 100.9410 Limitations on Claims for Refund (IITA Section 911)  
 100.9420 Recovery of Erroneous Refund (IITA Section 912)



## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

## SUBPART Z: INVESTIGATIONS AND HEARINGS

Section  
100.9500 Access to Books and Records (IITA Section 913)  
100.9505 Access to Books and Records -- 60-Day Letters (IITA Section 913)  
100.9510 Taxpayer Representation and Practice Requirements  
100.9520 Conduct of Investigations and Hearings

## SUBPART AA: JUDICIAL REVIEW

Section  
100.9600 Administrative Review Law (IITA Section 1201)

## SUBPART BB: DEFINITIONS

Section  
100.9700 Unitary Business Group Defined (IITA Section 1501)

## SUBPART CC: LETTER RULING PROCEDURES

Section  
100.9800 Letter Ruling Procedures

## APPENDIX A Business Income Of Persons Other Than Residents

## TABLE A Example of Unitary Business Apportionment

## TABLE B Example of Unitary Business Apportionment for Groups Which Include Members Using Three-Factor and Single-Factor Formulas

AUTHORITY: Implementing the Illinois Income Tax Act [35 ILCS 5] and authorized by Section 1401 of the Illinois Income Tax Act [35 ILCS 5/1401].

SOURCE: Filed July 14, 1971, effective July 24, 1971; amended at 2 Ill. Reg. 49, p. 84, effective November 29, 1978; amended at 5 Ill. Reg. 813, effective January 7, 1981; amended at 5 Ill. Reg. 4617, effective April 14, 1981; amended at 5 Ill. Reg. 4642, effective April 14, 1981; amended at 5 Ill. Reg. 5537, effective May 7, 1981; amended at 5 Ill. Reg. 5705, effective May 20, 1981; amended at 5 Ill. Reg. 5883, effective May 20, 1981; amended at 5 Ill. Reg. 6843, effective June 16, 1981; amended at 5 Ill. Reg. 13244, effective November 13, 1981; amended at 5 Ill. Reg. 13724, effective November 30, 1981; amended at 6 Ill. Reg. 579, effective December 29, 1981; amended at 6 Ill. Reg. 9701, effective July 26, 1982; amended at 7 Ill. Reg. 399, effective December 28, 1982; codified at 8 Ill. Reg. 19574; amended at 9 Ill. Reg. 16986, effective October 21, 1985; amended at 10 Ill. Reg. 685, effective December 31, 1985; amended at 10 Ill. Reg. 7913, effective April 28, 1986; amended at 10 Ill. Reg. 19512, effective November 3, 1986; amended at 10 Ill. Reg. 21941, effective December 15, 1986; amended at 11 Ill. Reg. 831, effective December 24, 1986; amended at 11 Ill. Reg. 2450, effective January 20, 1987; amended at 11 Ill. Reg. 12410, effective July 8, 1987; amended at 11 Ill. Reg. 17782, effective

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

October 16, 1987; amended at 12 Ill. Reg. 4865, effective February 25, 1988; amended at 12 Ill. Reg. 6748, effective March 25, 1988; amended at 12 Ill. Reg. 11766, effective July 1, 1988; amended at 12 Ill. Reg. 14307, effective August 29, 1988; amended at 13 Ill. Reg. 8917, effective May 30, 1989; amended at 13 Ill. Reg. 10952, effective June 26, 1989; amended at 14 Ill. Reg. 4558, effective March 8, 1990; amended at 14 Ill. Reg. 6810, effective April 19, 1990; amended at 14 Ill. Reg. 10082, effective June 7, 1990; amended at 14 Ill. Reg. 16012, effective September 17, 1990; emergency amendment at 17 Ill. Reg. 473, effective December 22, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 8869, effective June 2, 1993; amended at 17 Ill. Reg. 13776, effective August 9, 1993; recodified at 17 Ill. Reg. 14189; amended at 17 Ill. Reg. 19632, effective November 1, 1993; amended at 17 Ill. Reg. 19966, effective November 9, 1993; amended at 18 Ill. Reg. 1510, effective January 13, 1994; amended at 18 Ill. Reg. 2494, effective January 28, 1994; amended at 18 Ill. Reg. 7768, effective May 4, 1994; amended at 19 Ill. Reg. 1839, effective February 6, 1995; amended at 19 Ill. Reg. 5824, effective March 31, 1995; emergency amendment at 20 Ill. Reg. 1616, effective January 9, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 6981, effective May 7, 1996; amended at 20 Ill. Reg. 10706, effective July 29, 1996; amended at 20 Ill. Reg. 13365, effective September 27, 1996; amended at 20 Ill. Reg. 14617, effective OCT 29 1996.

SUBPART E: ADDITIONS TO AND SUBTRACTIONS FROM TAXABLE INCOME OF INDIVIDUALS, CORPORATIONS, TRUSTS AND ESTATES AND PARTNERSHIPS

Section 100.2470 Subtraction of Amounts Exempt from Taxation by Virtue of Illinois Law, the Illinois or U.S. Constitutions, or by Reason of U.S. Treaties or Statutes (IITA Sections 203(a)(2)(N), 203(b)(2)(J), 203(c)(2)(K) and 203(d)(2)(G))

- a) In calculating base income, taxpayers are entitled to subtract from adjusted-gross-income an amount equal to all amounts included in such total which are exempt from taxation by this State either by reason of its statutes or Constitution or by reason of the Constitution, treaties or statutes of the United States, provided that, in the case of any statute of this State that exempts income derived from bonds or other obligations from the tax imposed under this Act, the amount exempted shall be the interest net of bond premium amortization (IITA 203(a)(2)(N)). There are also provisions of Illinois law that exempt the income of certain obligations of state and local governments from Illinois income taxation (See subsection (f), below).
- b) Interest on obligations of the United States. A federal statute exempts stocks and obligations of the United States Government, as well as the interest on the obligation(s), from state income taxation (See 31 U.S.C.A. 3124(a)).
- 1) "Obligations of the United States" are those obligations issued "to secure credit to carry on the necessary functions of

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

government." Smith v. Davis (1944) 323 U.S. 111, 119, 89 L. Ed. 107, 113, 65 S. Ct. 157, 161. The exemption is aimed at protecting the "Borrowing" and "Supremacy" clauses of the Constitution. Society for Savings v. Bowers (1955) 349 U.S. 143, 144, 99 L. Ed. 2d 950, 955, 75 S. Ct. 607, 608. Hibernia v. City and County of San Francisco (1906) 200 U.S. 310, 313, 50 L. Ed. 495, 496, 26 S. Ct. 265, 266.

A) Tax-exempt credit instruments possess the following characteristics:

- i) they are written documents,
- ii) they bear interest,
- iii) they are binding promises by the United States to pay specified sums at specified dates, and
- iv) they have congressional authorization which also pledges the faith and credit of the United States in support of the promise to pay. Smith v. Davis, supra.

B) A governmental obligation that is secondary, indirect, or contingent, such as a guaranty of a nongovernmental obligor's primary obligation to pay the principal amount of and interest on a note, is not an obligation of the type exempted under 31 U.S.C. Section 3124(a) 3124(f). Rockford Life Ins. Co. v. Department of Revenue, 107 S. Ct. 2312 (1987).

2) Based on the above, the following types of income are exempt under 31 U.S.C.A. Section 3124(a):

- A) Interest on U.S. Treasury bonds, notes, bills, certificates, and savings bonds.
- B) Income from GSA Public Building Trust Participation Certificates: First Series, Series A through E; Second Series, Series F; Third Series, Series G; Fourth Series H and I.

c) Income exempted by reason of other federal statutes. Federal statutes provide exemption from state income taxation with respect to various specifically named types of income. Following is a list (intended to be exhaustive) of exempt income and the specific statutes to which each item relates:

- 1) Banks for Cooperatives - Income from notes, debentures, and other obligations issued by Banks for Cooperatives (12 U.S.C.A. 2134).
- 2) Commodity Credit Corporation - Interest derived from bonds, notes, debentures, and other similar obligations issued by Commodity Credit Corporation (15 U.S.C.A. 713a-5).
- 3) Farm Credit System Financial Assistance Corporation (Financial Assistance Corporation) - Income from notes, bonds, debentures, and other obligations issued by the Financial Assistance Corporation (12 U.S.C.A. 2278b-10(b)).
- 4) Federal Deposit Insurance Corporation - Interest derived from notes, debentures, bonds, or other such obligations issued by Federal Deposit Insurance Corporation (12 U.S.C.A. 1825).

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

- 5) Federal Farm Credit Banks - Income from consolidated system-wide notes, bonds, debentures, and other obligations issued jointly and severally under 12 U.S.C.A. 2153 by Banks of the Federal Farm Credit System (12 U.S.C.A. 2023; 12 U.S.C.A. 207; 12 U.S.C.A. 2098; and 12 U.S.C.A. 2134).
- 6) Federal Home Loan Banks - Interest derived from notes, debentures, bonds, and other such obligations issued by Federal Home Loan Banks and from consolidated Federal Home Loan bonds and debentures (12 U.S.C.A. 1433).
- 7) Federal Intermediate Credit Banks - Income from notes, debentures, bonds, and other obligations issued by Federal Intermediate Credit Banks (12 U.S.C.A. 2079).
- 8) Federal Land Banks and Federal Land Bank Association - Income from notes, debentures, bonds, and other obligations issued by Federal Land Banks and Federal Land Bank Associations (12 U.S.C.A. 2055).
- 9) Federal Savings and Loan Insurance Corporation - Interest derived from notes, bonds, debentures, and other such obligations issued by Federal Savings and Loan Insurance Corporation (12 U.S.C.A. 1725(e)).
- 10) Financing Corporation (FICO) - Income from obligations issued by the Financing Corporation (12 U.S.C.A. 1441(e)(8)).
- 11) General Insurance Fund
  - A) Interest derived from debentures issued by General Insurance Fund under the War Housing Insurance Law (12 U.S.C.A. 1739(d)); or
  - B) Interest derived from debentures issued by General Insurance Fund to acquire rental housing projects (12 U.S.C.A. 1747g(g)); or
  - C) Interest derived from Armed Services Housing Mortgage Insurance Debentures issued by the General Insurance Fund (12 U.S.C.A. Section 1748b(f)).
- 12) Guam - Interest derived from bonds issued by the government of Guam (48 U.S.C.A. 1423a). This income is not presently included in federal taxable income. Under Illinois law, it must be added back to federal taxable income and then claimed as a subtraction on an Illinois income tax return.
- 13) Mutual Mortgage Insurance Fund - Income from such debentures as are issued in exchange for property covered by mortgages insured after February 3, 1988 (12 U.S.C.A. 1710(d)). This income is not presently included in federal taxable income. Under Illinois law, it must be added back to federal taxable income and then claimed as a subtraction on an Illinois income tax return.
- 14) National Credit Union Administration Central Liquidity Facility - Income from the notes, bonds, debentures, and other obligations issued on behalf of the Central Liquidity Facility (12 U.S.C.A. 1795K(b)).
- 15) Production Credit Association - Income from notes, debentures,



## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

and other obligations issued by Production Credit Association (12 U.S.C.A. 2098).

- 16) Puerto Rico - Interest derived from bonds issued by the Government of Puerto Rico (48 U.S.C.A. 745). This income is not presently included in federal taxable income. Under Illinois law, it must be added back to federal taxable income and then claimed as a subtraction on an Illinois income tax return.

- 17) Railroad Retirement Act - Annuity and supplemental annuity payments as qualified under the Railroad Retirement Act of 1974 (45 U.S.C.A. 231m). Please be sure to use the line specified on your Illinois return for this item.

- 18) Railroad Unemployment Insurance Act - Unemployment benefits paid pursuant to the Railroad Unemployment Insurance Act (45 U.S.C.A. 352(e)).

- 19) Resolution Funding Corporation - Interest from obligations issued by the Resolution Funding Corporation (12 U.S.C.A. 1441b(f)(7)(A)).

- 20) Special Food Service Program - Assistance to children under the Special Food Service Program (42 U.S.C.A. 1760(e)).

- 21) Student Loan Marketing Association - Interest derived from obligations issued by the Student Loan Marketing Association (20 U.S.C.A. 1087-2(h)(221)).

- 22) Tennessee Valley Authority - Interest derived from bonds issued by the Tennessee Valley Authority (16 U.S.C.A. 831n-4(d)).

- 23) United States Postal Service - Interest derived from obligations issued by the United States Postal Service (39 U.S.C.A. 2005(d)(4)).

- 24) Virgin Islands - Interest derived from bonds issued by the Government of the Virgin Islands (48 U.S.C.A. 1574(b)(1)(A)). This income is not presently included in federal-taxable income taxable federally. Under Illinois law, it must be added back to federal taxable income and then claimed as a subtraction on an Illinois income tax return.

- d) Distributions from money market trusts (mutual funds). Taxpayers may subtract income received from any of the obligations listed in subsections (b) and (c) above, even if the obligations are owned indirectly through owning shares in a mutual fund.

- 1) If the fund invests exclusively in these state tax exempt obligations, the entire amount of the distribution (income) from the fund may be subtracted.
- 2) If the fund invests in both exempt and non-exempt obligations, the amount represented by the percentage of the distribution that the mutual fund identifies as exempt may be subtracted.
- 3) If the mutual fund does not identify an exempt amount or percentage, taxpayers may figure the subtraction by multiplying the distribution by the following fraction: as the numerator, the amount invested by the fund in state-exempt U.S. obligations; as the denominator, the fund's total investment. Use the year-end

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

amounts to figure the fraction if the percentage ratio has remained constant throughout the year. If the percentage ratio has not remained constant, take the average of the ratios from the fund's quarterly financial reports.

- e) Getting a refund of tax you already paid. If you paid Illinois income tax on these state tax exempt distributions, you may file an amended return (IR-1040-X) to claim a refund for any year still within the statute of limitations.

- f) Interest on obligations of state and local governments. Income from state and local obligations is not exempt from Illinois income tax except where authorizing legislation adopted after August 1, 1969, specifically provides for an exemption. To date, authorizing legislation provides exemption for the income from the securities listed below. Taxpayers must show income from these exempt bonds as an addition and then as a subtraction on the Illinois income tax return. Income from these bonds is not exempt if the bonds are owned indirectly through owning shares in a mutual fund.

- 1) Notes and bonds issued by the Illinois Housing Development Authority (except housing-related commercial facilities notes and bonds) [20 ILCS 3805/31].

- 2) Bonds authorized pursuant to the Export Development Act of 1983 (former Ill. Stat. 1991, ch. 127, par. 2513, repealed by P.A. 87-860, effective July 1, 1992).

- 3) Bonds issued by the Illinois Development Finance Authority pursuant to Sections 7.50 - 7.61 (venture fund and infrastructure bonds) [20 ILCS 3505/7.61].

- 4) Bonds and notes issued by the Quad Cities Regional Economic Development Authority, if the Authority so determines [70 ILCS 510/11, 510/13, 515/11, and 515/12 and 510/45].

- 5) College Savings Bonds issued under the General Obligation Bond Act in accordance with the Baccalaureate Savings Act [110 ILCS 920/7].

- 6) Bonds issued by the Illinois Sports Facilities Authority (White Sox Bonds) [70 ILCS 3205/15].

- 7) Bonds issued on or after September 2, 1988, pursuant to the Higher Education Student Assistance Act [110 ILCS 947/145 947] (transferred from 105 ILCS 5/30-15.18 by P.A. 87-997).

- 8) Bonds issued by the Illinois Development Finance Authority under the Asbestos Abatement Finance Act [20 ILCS 3510/8].

- 9) Bonds and notes issued under the Rural Bond Bank Act [30 ILCS 360/3-12].

- 10) Income earned on investments made pursuant to the Home Ownership Made Easy Program [310 ILCS 55/5.1 55/5].

- 11) Bonds issued pursuant to Sections 7.80 - 7.87 of the Illinois Development Finance Authority Act [20 ILCS 3505/7-86 3505/7-86].

- 12) Up to \$2,000 of income derived by individuals from investments made in accordance with College Savings Programs established under former Section 30-15.8a [105 ILCS 5/30-15.8a].

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

- 13) Bonds issued by the Quad Cities Interstate Metropolitan Authority under the Quad Cities Interstate Metropolitan Authority Act [45 ILCS 35/110].
- 14) Bonds issued by the Southwestern Illinois Development Authority pursuant to the Southwestern Illinois Development Authority Act [70 ILCS 520/7.5].
- g) Other income exempt from Illinois income taxation by reason of Illinois statute:
- 1) Income earned by certain trust accounts established under the Illinois Pre-Need Cemetery Sales Act [815 ILCS 390/16]. Section 16(f) of the Illinois Pre-Need Cemetery Sales Act provides that: because it is not known at the time of deposit or at the time that income is earned on the trust account to whom the principal and the accumulated earnings will be distributed, for purposes of determining the Illinois Income Tax due on these trust funds, the principal and any accrued earnings or losses relating to each individual account shall be held in suspense until the final determination is made as to whom the account shall be paid.
  - 2) Income in the form of education loan repayments made for primary care physicians who agree to practice in designated shortage areas for a specified period of time under the terms of the Family Practice Residency Act [110 ILCS 935/4.10].
  - 3) Income earned by nuclear decommissioning trusts established pursuant to Section 8-508.1 of the Public Utilities Act [220 ILCS 5/8-508.1]. The terms "decommissioning trust" or "trust" means a fiduciary account in a bank or other financial institution established to hold the decommissioning funds provided pursuant to Section 8-508.1(b)(2) of the Public Utilities Act for the eventual purpose of paying decommissioning costs, which shall be separate from all other accounts and assets of the public utility establishing the trust. [220 ILCS 5/8-508.1(a)(3)]
- h) Income not exempt from Illinois income taxation. The following types of income are not exempt from Illinois income taxation:
- 1) Income from securities commonly known as GNMA "Pass-Through Securities" and also known as GNMA "Mortgage-Backed Securities" issued by approved issuers under 12 U.S.C.A. 1721(g) and guaranteed by GNMA under 12 U.S.C.A. 1721(g) (Rockford Life Insurance Co. v. Department of Revenue, 112 Ill.2d 174, 492 N.E.2d 1278 (1986), reh. den. June 2, 1986) and income from debentures, notes, and bonds issued by the Federal National Mortgage Association including mortgage-backed bonds issued under authority of 12 U.S.C.A. 1719(d) and guaranteed by GNMA under 12 U.S.C.A. 1721(g).
  - 2) Accumulated interest on Internal Revenue Service tax refunds. Illinois Department of Revenue Letter Ruling No. 86-0640, dated July 11, 1986, citing Glidden Co. v. Glander, 151 Ohio St. 344, 86 N.E.2d 1, 9 A.L.R. 2d 515 (1949).
  - 3) Income from U.S. securities acquired by a taxpayer under a

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

- repurchase agreement ("repo") with a bank or similar financial organization. The Department takes the position that, for income tax purposes, such agreements are generally to be treated as loans. That is, the taxpayer "loans" money to the bank and receives interest in return. The securities subject to repurchase by the bank serve as collateral for the loan. The bank remains legally entitled to receive the interest payments from the issuing authority and remains the actual owner of the securities. Therefore, any tax benefit attributable to the "exempt" income paid by the issuing authority accrues to the bank and not to the investor.
- i) Method for computing the subtraction of exempt income. The Department emphasizes that before a taxpayer may subtract an item of exempt income, the taxpayer must be sure that he or she has included the item in Illinois base income. Some tax-exempt items are "automatically" included in base income because they are included in federal adjusted gross income, which is a part of base income. Interest on U.S. Treasury notes is not in this category. Other exempt items must be included as an addition on the Illinois tax return in figuring base income. In other words, the taxpayer must list certain tax-exempt items as additions and then as subtractions in figuring base income. Interest on the state and local government bonds described in subsection (f) above is in this category.

(Source: Amended at 20 Ill. Reg. 14617, effective OCT 29 1996)



## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Uniform Penalty and Interest Act
- 2) Code Citation: 86 Ill. Adm. Code 700
- 3) Section Numbers: Adopted Action:  
700.300 Amendment
- 4) Statutory Authority: 35 ILCS 735
- 5) Effective Date of Amendment(s): October 29, 1996
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: October 29, 1996
- 9) Notice of Proposal Published in Illinois Register: July 12, 1996, 20 Ill. Reg. 8981
- 10) Has JCAR issued a Statement of Objections to these Amendments? No
- 11) Differences between proposal and final version:
1. In line 74, added a period at the end.
2. In lines 87 and 90, changed "\$40" to "\$200".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment currently in effect?  
No
- 14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendment(s): This rulemaking updates the Department's Uniform Penalty and Interest Act rules to reflect the modification of the late filing penalty (UPIA Section 3-3) by P.A. 89-379. The rules are amended to explain that effective January 1, 1996 the legislation provided that the late filing penalty became a two tier penalty. The first tier penalty is equal to 2% of the tax required to be shown due on a return up to a maximum of \$250 determined without regard to payments or credits. If any return is not filed within 30 days after notice of non-filing issued by the Department, an additional, second tier penalty shall be imposed equal to the greater of \$250 or 2% of the tax shown on the return. This additional penalty is capped by law at \$5,000.

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

- 16) Information and questions regarding this adopted amendment shall be directed to:

Keith Staats  
Associate Chief Counsel (Income Tax)  
Illinois Department of Revenue  
Legal Services Office  
101 West Jefferson  
Springfield, Illinois 62794  
(217) 782-7055

The full text of the Adopted Amendment begins on the next page:

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

TITLE 86: REVENUE  
CHAPTER I: DEPARTMENT OF REVENUEPART 700  
UNIFORM PENALTY AND INTEREST ACT

## SUBPART A: SCOPE AND APPLICATION OF THE ACT

Section  
700.100 Scope of the Act and this Part  
700.110 Application of the Provisions of the Act and this Part

## SUBPART B: INTEREST

700.200 Interest Paid and Interest Charged  
700.210 Interest Rate Calculation  
700.220 Interest Charged Taxpayers  
700.230 Interest Paid Taxpayers on Overpayments

## SUBPART C: PENALTIES

700.300 Penalty for Late Filing or Failure to File and Penalty for Late Payment of Tax  
700.310 Penalty for Failure to File Correct Information Returns  
700.320 Penalty for Negligence  
700.330 Penalty for Fraud  
700.340 Personal Liability Penalty

## SUBPART D: REASONABLE CAUSE

700.400 Reasonable Cause

## SUBPART E: PAYMENT APPLICATION

700.500 Payment Application

AUTHORITY: Implementing the Uniform Penalty and Interest Act [35 ILCS 735], and authorized by Section 39b3 of the Civil Administrative Code of Illinois [20 ILCS 2502/39b3].

SOURCE: Adopted at 18 Ill. Reg. 1561, effective January 13, 1994; amended at 19 Ill. Reg. 1909, effective February 6, 1995; amended at 20 Ill. Reg. **14632**, effective **Oct 29 1996**.

## SUBPART C: PENALTIES

Section 700.300 Penalty for Late Filing or Failure to File and Penalty for

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

## Late Payment of Tax

a) Late filing penalty for original returns due prior to January 1, 1996. A penalty of 5% of the tax required to be shown due on a return shall be imposed for failure to file the tax return on or before the due date prescribed for filing determined with regard for any extension of time for filing (penalty for late filing or nonfiling).

1) If any unprocessable return is corrected and filed within 21 days after notice by the Department the late filing or nonfiling penalty shall not apply. (Section 3-3(a) of the Act) The unprocessable return must have been filed on or before the due date prescribed for filing of that return, with regard for any extension of filing. In other words, a taxpayer may not attempt to avoid the 5% penalty by the late filing of an unprocessable return which is then corrected within 21 days of notice by the Department.

2) A return, for purposes of the imposition of this penalty, is any return required by a tax Act to be filed with the Department that is not an information return as that term is defined in Section 3-4(c) of the Act.

EXAMPLE 1: A withholding agent files Form IL-941 (Employer's Quarterly Illinois Withholding Tax Return) for third quarter 1994 on November 1, 1994. The total Illinois tax withheld is \$500,000. The form was due on October 31, 1994. A late payment filing penalty is imposed as follows: Total Illinois tax withheld (\$500,000) times the 5% late filing penalty equals \$25,000.

EXAMPLE 2: A withholding agent files Form IL-W-3 (Reconciliation of Illinois Income Tax Withheld and Transmittal of Income and Tax Statements) for tax year 1993 on March 1, 1994. The total Illinois tax withheld is \$1,000,000. The form was due on February 28, 1994. A late filing penalty is imposed as follows: Total Illinois tax withheld (\$1,000,000) times the 5% late filing penalty is \$50,000.

3) If a penalty for late filing or nonfiling is imposed in addition to a penalty for late payment, the total penalty due shall be the sum of the late filing penalty and the applicable late payment penalty (Section 3-3(a) of the Act).

b) Late filing penalty for original returns due on and after January 1, 1996.

1) A penalty equal to 2% of the tax required to be shown due on a return, up to a maximum amount of \$250, determined without regard to any part of the tax that is paid on time or by any credit that was properly allowable on the date the return was required to be filed, shall be imposed for failure to file the tax return on or before the due date prescribed for filing determined with regard for any extension of time for filing.



## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

**EXAMPLE 1:** Your Form ST-1 is due by April 20, but you file it on May 17. The tax shown due on your return is \$10,000. You timely paid the full \$10,000 in accelerated tax payments. We notify you that you owe a penalty of \$200 ( $2\% \times \$10,000 = \$200$ ; \$200 is less than \$250, therefore you owe \$200) and interest because you did not file your return by the April 20 due date. If you do not pay the \$200 penalty and interest within 30 days after the date of our notice, additional interest will accrue on the \$200 penalty.

**EXAMPLE 2:** Your Form IL-1040 is due by April 15, but you file it on November 10 (after the extended due date). The tax shown due on your return is \$1,500. Your employer withheld \$1,200 for Illinois Income Tax, and you timely paid us \$400 in estimated tax payments. You have overpaid your tax by \$100 ( $\$1,500 - \$1,200 - \$400 = -\$100$ ). We notify you that you owe a penalty of \$30 ( $2\% \times \$1,500 = \$30$ ; \$30 is less than \$250, therefore you owe \$30) because you did not file your return by the due date. We reduce your refund by the \$30 penalty and issue you a check for \$70.

**EXAMPLE 3:** Your Form RHM-1 is due by September 30, but you do not file it. We send you a notice of nonfiling asking you to respond within 30 days. You file your return 25 days after our notice and pay the total tax due of \$18,500. We notify you that you owe a penalty of \$250 ( $2\% \times \$18,500 = \$370$ ; \$370 is greater than \$250, therefore you owe \$250) and interest because you did not file your return by the September 30 due date.

**EXAMPLE 4:** Your Form IL-1120 is due by March 15 but you file it on December 20 (after the extended due date). The income tax shown on the return is \$6,000 and the replacement tax shown on the return is \$3,125. An Enterprise Zone Investment Credit of \$2,000 is claimed against your income tax liability. You have timely paid \$7,500 in estimated payments. You have overpaid your tax liability by \$375 ( $\$2,000 + \$7,500 - (\$6,000 + \$3,125) = \$375$ ). We notify you that you owe a penalty of \$182.50 ( $\$9,125 \times 2\% = \$182.50$ ; \$182.50 is less than \$250, therefore you owe \$182.50) because you did not file your return by the due date. We reduce your refund by \$182.50 and issue you a check for \$192.50.

**2) If any return is not filed within 30 days after notice of nonfiling mailed by the Department to the last known address of the taxpayer contained in Department records, an additional penalty amount shall be imposed equal to the greater of \$250 or 2% of the tax shown on the return. However, the additional penalty amount may not exceed \$5,000 and is determined without regard to any part of the tax that is paid on the date the return was required to be filed (penalty for late filing or nonfiling).**

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

(Section 3-3(a) of the Act).

**EXAMPLE:** Your Form RHM-1 is due by September 30, but you do not file it. We send you a notice of nonfiling asking you to respond within 30 days. You file your return 45 days after our notice and pay the total tax due of \$18,500. You owe a penalty of \$250 ( $2\% \times \$18,500 = \$370$ ; \$370 is greater than \$250, therefore you owe \$250) and interest because you did not file your return by the September 30 due date. You also owe an additional penalty of \$370 ( $2\% \times \$18,500 = \$370$ ; \$370 is greater than \$250 and less than \$5,000, therefore you owe \$370) and interest because you did not respond within 30 days after our notice. Your total penalties for late filing are \$620 ( $\$250 + \$370 = \$620$ ). You will also owe a late payment penalty for not paying your tax by the due date. Interest will continue to accrue on unpaid tax and penalties until you fully pay the total amount you owe.

**3) If any unprocessable return is corrected and filed within 30 days after notice by the Department, the late filing or nonfiling penalty shall not apply. The unprocessable return must have been filed on or before the due date prescribed for filing of that return, with regard for any extension of filing. In other words, a taxpayer may not attempt to avoid the penalty by the late filing of an unprocessable return which is then corrected within 30 days after notice by the Department.**

**4) In the case of any type of tax return required to be filed more frequently than annually, when the failure to file the tax return on or before the date prescribed for filing (including any extensions) is shown to be nonfraudulent and no other failure to file has occurred in the two years immediately preceding the failure to file on the prescribed due date, the penalty imposed by Section 3-3(a) shall be abated. This two year "good filing" history abatement is effective for returns due on and after August 18, 1995 (the effective date of P.A. 89-379).**

**c) b) A penalty of 15% of the tax shown on the return or the tax required to be shown due on the return shall be imposed for failure to pay:**

**1) the tax shown due on the return on or before the due date prescribed for payment of that tax, an amount of underpayment of estimated tax, or an amount that is reported in an amended return other than an amended return timely filed as required by subsection (b) of Section 506 of the Illinois Income Tax Act (penalty for late payment or nonpayment of admitted liability);**

**or**

**EXAMPLE 1:** Your Form IL-1120 is due by March 15. You timely file your return on March 15, but you only made your first estimated payment of \$337.50; you were required to make four estimated payments. The total tax shown due on your return is \$1,500. You pay the remaining \$1,162.50 you owe with your return. We notify you that you owe a penalty

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

of \$151.88 (\$1,500 tax x 90% required to be paid timely = \$1,350 to be made in four equal installments. \$1,350 divided by 4 estimated payments = \$337.50 per payment. \$337.50 x 3 unpaid quarters = \$1,012.50 estimated tax that was due. \$1,012.50 x 15% penalty = \$151.88 late payment penalty) and interest because you did not pay the required amount due for each estimated payment. If you do not pay the \$151.88 penalty and interest within 30 days after our notice, additional interest will accrue on the penalty.

EXAMPLE 2: Same facts as in Example 1 above except that your return was timely filed between March 16 and October 15 and you paid the remaining \$150 tax you owed with your return. In this situation, your return was timely filed by virtue of the automatic extension for filing, but you owe a late payment penalty on the \$150 paid with the return because that amount of tax was not paid on or before the original due date of the return. There would be an additional penalty as prescribed by UPIA Section 3-3(b)(1) of \$22.50 (\$1,500 - \$1,350 = \$150 x 15% = \$22.50) for failure to pay the total tax by March 15.

- 2) the full amount of any tax required to be shown due on a return and which is not shown (penalty for late payment or nonpayment of additional liability), within 30 days after a notice of arithmetic error, notice and demand, or a final assessment is issued by the Department. In the case of a final assessment arising following a protest and hearing, the 30 day period shall not begin until all proceedings in court for review of the final assessment have terminated or the period for obtaining a review has expired without proceedings for a review having been instituted. In the case of a notice of tax liability that becomes a final assessment without a protest and hearing, the penalty provided in this Section shall be imposed at the expiration of the period provided for the filing of a protest. (Section 3-3(b) of the Act) The 30-day period for providing payment in response to Department notices and final assessments is effective for notices and assessments issued on or after January 1, 1996. Taxpayers must respond to notices and assessments issued prior to January 1, 1996 within 21 days.

EXAMPLE: Your Form 97-1 is due by August 20. You timely file your return but do not pay the \$10,750 tax shown due until September 27. We notify you that you owe a penalty of \$1,612.50 (15% x \$10,750 = \$1,612.50) and interest. If you do not pay the \$1,612.50 penalty and interest within 30 days after the date of our notice, additional interest will accrue on the penalty.

- d) For purposes of the late payment penalties, the basis of the penalty shall be the tax shown or required to be shown on the return, whichever is applicable, reduced by any part of the tax which is paid

## DEPARTMENT OF REVENUE

## NOTICE OF ADOPTED AMENDMENTS

on time and by any credit which was properly allowable on the date the return was required to be filed. (Section 3-3(c) of the Act) The amount of this late payment penalty, unlike some late payment penalties that were imposed prior to the adoption of the Uniform Penalty and Interest Act, does not change over time. The late payment penalty is the same whether payment is one day late, or one year late. A penalty shall be applied to the tax required to be shown even if that amount is less than the tax shown on the return. (Section 3-3(d) of the Act)

EXAMPLE: A rentor of automobiles for periods of one year or less, has tax due under the Automobile Renting Occupation and Use Tax for the rental receipts received during the month of June 1994 on July 20, 1994. The tax shown on the return filed on July 20, 1994 is \$500, but the taxpayer remits no payment of the tax when the return is filed. On August 1, 1994 the taxpayer files an amended return reducing tax liability to \$400 and also remits \$400. Assuming that the \$400 amount shown on the amended return is correct, the taxpayer owes a late payment penalty on \$400, the amount required to be shown on the original return, not the \$500 amount that was shown on the original return.

- f) If both a subsection (b)(1) penalty and a subsection (b)(2) penalty are assessed against the same return, the subsection (b)(2) penalty shall be assessed against only the additional tax found to be due. (Section 3-3(e) of the Act)

EXAMPLE: A withholding tax agent has tax due for the third quarter of 1994. The return is filed timely, with tax withheld of \$20,000, but on time payments only equal \$15,000 leaving a tax balance due of \$5,000. The late payment penalty applicable on November 1, 1994 is \$750. Full payment of tax is made on March 15, 1995. On October 1, 1997, an audit is completed increasing tax to \$30,000. Additional late payment penalty is \$1,500 (\$30,000 minus the original \$20,000 equals \$10,000 tax due times 15% equals \$1,500 late payment penalty). The total late payment penalty is \$2,250.

- g) If the taxpayer has failed to file the return, the Department shall determine the correct tax according to its best judgment and information, which amount shall be prima facie evidence of the correctness of the tax due. (Section 3-3(f) of the Act)  
h) The time within which to file a return or pay an amount of tax due without imposition of a penalty does not extend the time within which to file a protest or a notice of tax liability or a notice of deficiency. (Section 3-3(g) of the Act)

(Source: Amended at 20 Ill. Reg. 14632, effective OCT 29 1996)



## DEPARTMENT OF STATE POLICE MERIT BOARD

## NOTICE OF ADOPTED AMENDMENTS

1) \$ Heading of the Part: Procedures of the Department of State Police Merit Board

2) Code Citation: 80 Ill. Adm. Code 150

3) Section Numbers: Adopted Action:  
150.430 Amendment

4) Statutory Authority: [20 ILCS 2610/10].

5) Effective Date of Rulemaking: October 25, 1996

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) Date Filed in Agency's Principal Office: July 2, 1996

9) Notice of Proposal Published in Illinois Register: July 19, 1996, 20 Ill. Reg. 9512

10) Has JCAR issued a Statement of Objections to these rules? No

11) Difference(s) between proposal and final version: Format changes were made in accordance with the suggestions received from the Administrative Code Unit.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: Section 150.220 - Effective with the promotional examination given in September 1996, Special Agents will be on the same promotional list as Troopers. This list will be broken down by Districts instead of Regions.

16) Information and questions regarding this adopted amendment shall be directed to:

James E. Seiber  
Executive Director  
3180 Adloff Lane, Suite 100  
Springfield, IL 62703  
217/786-6240

## DEPARTMENT OF STATE POLICE MERIT BOARD

## NOTICE OF ADOPTED AMENDMENTS

The full text of the Adopted Amendment begins on the next page:

## DEPARTMENT OF STATE POLICE MERIT BOARD

## NOTICE OF ADOPTED AMENDMENTS

## TITLE 80: PUBLIC OFFICIALS AND EMPLOYEES

## SUBTITLE A: MERIT EMPLOYMENT SYSTEMS

## CHAPTER IV: DEPARTMENT OF STATE POLICE MERIT BOARD

## PART 150

## PROCEDURES OF THE DEPARTMENT OF STATE POLICE MERIT BOARD

## SUBPART A: DEFINITIONS

Section  
150.10

Definitions

## SUBPART B: CERTIFICATION FOR APPOINTMENT

Section  
150.210  
150.220  
150.230  
150.240

Qualifications  
Selection Procedures  
Recertification  
Probationary Period

## SUBPART C: CLASSIFICATION OF RANKS

Section  
150.310  
150.320

Ranks  
Interdivisional Transfers

## SUBPART D: CERTIFICATION FOR PROMOTION

Section  
150.410  
150.420  
150.430  
150.440

Board Responsibilities  
Eligibility  
Procedures  
Promotion Probationary Period (Repealed)

## SUBPART E: DISCIPLINARY ACTION

Section  
150.510  
150.520  
150.530  
150.540  
150.550  
150.560  
150.565  
150.570  
150.575  
150.580  
150.585

Merit Board Jurisdiction  
Discipline Afforded the Deputy Director  
Notification to Suspended Officer  
Petition for Review  
Form and Content of Petition for Review  
Filing Procedures  
Procedure for Processing Petition for Review  
Director's Review  
Discipline Afforded the Director  
Complaint Procedures  
Scheduling the Hearing

## DEPARTMENT OF STATE POLICE MERIT BOARD

## NOTICE OF ADOPTED AMENDMENTS

150.590 Notification to Officer

## SUBPART F: HEARINGS

## Section

150.610 Board Docket  
150.620 Hearing Officer  
150.630 Pre-hearing Conferences  
150.640 Motions  
150.650 Subpoenas  
150.655 Request for Witnesses or Documents  
150.660 Evidence Depositions  
150.665 Hearing Procedures  
150.670 Continuances and Extensions of Time  
150.675 Computation of Time  
150.680 Decisions of the Board  
150.685 Service and Form of Papers

## APPENDIX A Vision Standards

## APPENDIX B Physical Fitness Standards

AUTHORITY: Implementing Sections 3 through 14 and authorized by Section 8 of the State Police Act [20 ILCS 2610/3 through 14].

SOURCE: Emergency rule adopted at 2 Ill. Reg. 10, p. 206, effective February 24, 1978, for a maximum of 150 days; emergency amendment at 2 Ill. Reg. 32, p. 37, effective July 27, 1978, for a maximum of 150 days; emergency amendments at 2 Ill. Reg. 51, p. 100, effective December 7, 1978, for a maximum of 150 days; adopted at 2 Ill. Reg. 52, p. 422, effective December 25, 1978; amended at 3 Ill. Reg. 47, p. 86, effective November 12, 1979; emergency amendment at 4 Ill. Reg. 6, p. 284, effective February 1, 1980, for a maximum of 150 days; amended at 5 Ill. Reg. 2739, effective March 2, 1981; amended at 6 Ill. Reg. 10954, effective August 31, 1982; codified at 7 Ill. Reg. 9900; amended at 7 Ill. Reg. 15018, effective November 2, 1983; emergency amendment at 8 Ill. Reg. 379, effective December 27, 1983, for a maximum of 150 days; emergency amendment at 8 Ill. Reg. 3038, effective February 23, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7894, effective May 23, 1984; amended at 9 Ill. Reg. 3721, effective March 13, 1985; amended at 9 Ill. Reg. 14328, effective September 6, 1985; recodified from the Department of Law Enforcement Merit Board to the Department of State Police Merit Board pursuant to Executive Order 85-3, effective July 1, 1985, at 10 Ill. Reg. 3283; amended at 10 Ill. Reg. 17752, effective October 1, 1986; amended at 11 Ill. Reg. 7760, effective April 14, 1987; amended at 11 Ill. Reg. 18303, effective October 26, 1987; amended at 12 Ill. Reg. 1118, effective December 24, 1987; amended at 12 Ill. Reg. 10736, effective June 13, 1988; amended at 13 Ill. Reg. 5201, effective April 3, 1989; emergency amendment at 13 Ill. Reg. 16607, effective September 29, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 19592, effective December 1, 1989; amended at 14 Ill. Reg. 3679, effective February 23, 1990; amended at 15 Ill.



## DEPARTMENT OF STATE POLICE MERIT BOARD

## NOTICE OF ADOPTED AMENDMENTS

Reg. 11007, effective July 15, 1991; amended at 16 Ill. Reg. 11835, effective July 13, 1992; emergency amendment at 16 Ill. Reg. 17372, effective October 29, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. 9716, effective June 10, 1993; expedited correction at 17 Ill. Reg. 14684, effective June 10, 1993; amended at 17 Ill. Reg. 21079, effective November 22, 1993; amended at 19 Ill. Reg. 6679, effective May 1, 1995; amended at 19 Ill. Reg. 7970, effective June 1, 1995; amended at 20 Ill. Reg. 404, effective December 22, 1995; emergency amendment at 20 Ill. Reg. 8052, effective June 4, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14640, effective OCT 25 1996.

## SUBPART D: CERTIFICATION FOR PROMOTION

## Section 150.430 Procedures

- The Board will provide each officer with official notification announcing the examination and requesting a written response respecting the officer's intention to participate.
- Candidates for promotion must complete examinations at the time designated by the Board in the official notification. No exceptions will be allowed.
- Such candidates must have taken the most recent examination offered by the Board to be eligible for certification for promotion. All candidates taking the examination for each rank will be advised of their total promotional score and standing.
- Promotional Process Components
 

The total promotional score will consist of combined standardized scores or respective percentage weights of the components designated for each rank:

Components	Sgt, Msg	Lt, Capt, Maj
Written Examination	50% X	X
Performance Appraisal	45% X	X
Seniority in Rank	5 X	X
Assessment Exercise	NA	X

- Candidates for the ranks of Lieutenant, Captain, and Major will participate in a written examination, and an assessment exercise, as well as receive a performance appraisal, and a seniority score. The combined score will be standardized to a one hundred point scale. The top 65% of all Master Sergeants, Lieutenants, and Captains participating in the total promotional process will be certified by the Board.
- The Board will certify to the Director the top 65% of those Troopers, Special Agents and Sergeants participating in the total promotional

## DEPARTMENT OF STATE POLICE MERIT BOARD

## NOTICE OF ADOPTED AMENDMENTS

- There will be statewide certification lists for the ranks of Lieutenant, Captain, and Major. The certification lists for Sergeant and Master Sergeant will be according to Districts, as defined jointly by the Illinois State Police and the Illinois State Police Merit Board for promotional purposes and the list-for-Special-Agents--to--Sergeant will be according-to-Regions.

- The top ten (10) candidates on each certification list for all ranks are equally eligible for promotion by the Director; however, in the event of a tied score, all candidates obtaining such score shall be equally eligible for promotional consideration. The Director may promote accordingly any one of the eligible candidates in accordance with Equal Employment Opportunity Commission regulations (29 CFR 1600 et seq. (July 1, 1982)) and Illinois Department of Human Rights guidelines.

- As promotions are accepted or waived, that candidate with the next highest total promotional score on the list becomes equally eligible for promotion; however, in the event of a tied score, all candidates obtaining such score shall be equally eligible for promotional consideration;

- Eligible candidates on the certification list may decline an offer of promotion without losing position on the certification list. In the event of declination, that candidate with the next highest total promotional score becomes equally eligible for promotion; however, in the event of a tied score, all candidates obtaining such score shall be equally eligible for promotional consideration.

- Upon written notification from the Department to the Board that a candidate on the certification list has been suspended, is on leave of absence, or has applied for disability benefits, the Board will remove the candidate's name from the certification list. The candidate's name will be restored on the list in a position in proper relation to the total promotional scores remaining when the suspension or leave of absence terminates or the disability is removed.

- The certification list shall remain in force until the new certification list has been established; however, in the event that a certification list becomes exhausted, the Director will file a written request with the Board asking for the certification of additional names on any one list if necessary to fill vacant positions.

(Source: Amended at 20 Ill. Reg. 14640, effective OCT 25 1996)

PROCLAMATIONS

96-427  
DUCHOSSOIS CENTER FOR ADVANCED MEDICINE DAY (REVISED)

Whereas, the Duchossois Center for Advanced Medicine of the University of Chicago Hospitals has been designated as a state-of-the-art outpatient and diagnostic center; and

Whereas, the Duchossois Center for Advanced Medicine was made possible through the extraordinary generosity of the Richard Duchossois family, whose gifts to the University of Chicago and the University of Chicago Hospitals also include the Beverly Duchossois Cancer Research Laboratories in memory of Mr. Duchossois' late wife, and an endowed professorship in honor of Dr. John Ultmann; and

Whereas, the Duchossois Center for Advanced Medicine, which occupies the entire block between 57th and 58th Streets and Maryland and Cottage Grove Avenues, will combine outpatient clinics as well as all diagnostic and treatment facilities for ambulatory patients in one convenient central location; and

Whereas, the Duchossois Center for Advanced Medicine will serve as a model for medical education and health care delivery in the coming decades, having been designed with the help of physicians, scientists, medical educators, hospital administrators, and architects;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim September 9, 1996, as DUCHOSSOIS CENTER FOR ADVANCED MEDICINE DAY in Illinois.

Issued by the Governor August 27, 1996.

Filed by the Secretary of State October 18, 1996.

96-520  
MESSENGER LEWIS DAY

Whereas, Messenger Lewis was a Revolutionary War soldier and patriot; and Whereas, Messenger Lewis enlisted in five campaigns in Connecticut and New York through the years 1778-1781; and

Whereas, Messenger Lewis moved from Kentucky on December 8, 1834, and arrived in Sangamon County, Illinois on January 25, 1835; and

Whereas, Messenger Lewis lived out the rest of his days in Sangamon County, Illinois; and

Whereas, the Springfield Chapter of the Daughters of the American Revolution, Mr. and Mrs. Millard Johnson, and the Arnold Monument Company are placing an historical marker at Messenger Lewis' gravesite in honor of his patriotic contributions;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 6, 1996, as MESSENGER LEWIS DAY in Illinois.

Issued by the Governor October 3, 1996.

Filed by the Secretary of State October 18, 1996.

96-521  
SECA MONTH

Whereas, the State and University Employees Combined Appeal (SECA) is an annual charity drive directed toward the employees of the State of Illinois; and

JOINT COMMITTEE ON ADMINISTRATIVE RULES  
ILLINOIS GENERAL ASSEMBLY

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of October 22, 1996 through October 28, 1996 and have been scheduled for review by the Committee at its November 19, 1996 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield, IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
12/5/96	Department of Public Aid, Aid to Families with Dependent Children (89 Ill Adm Code 112)	8/23/96 20 Ill Reg 11462	11/19/96
12/5/96	Department of Public Aid, Related Program Provisions (89 Ill Adm Code 117)	8/2/96 20 Ill Reg 10303	11/19/96



Whereas, SECA represents 16 charitable organizations that provide a wide range of health and human services to communities across Illinois; and  
 Whereas, the establishment of SECA eliminated multiple appeals to state employees and reduced administrative expenses by consolidating fund-raising efforts; and

Whereas, the employees of the State of Illinois have demonstrated their generosity and concern for others by giving unselfishly to SECA charities for the last several years; and

Whereas, SECA's Kickoff Day was September 16, 1996; and

Whereas, employees of the State of Illinois will again be able to offer their support to SECA during the combined appeal that will run from mid-September through mid-November of this year;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 1996 as SECA MONTH in Illinois and urge the employees of the State of Illinois to continue their generous tradition of contributing to the charitable organizations represented by SECA.

Issued by the Governor October 3, 1996.

Filed by the Secretary of State October 18, 1996.

#### 96-522

##### AMERICAN-BELGIAN FRIENDSHIP DAY

Whereas, on April 11, 1944, the Engineer Headquarters of the VII Army Corps 3rd Armored and 104th Infantry Divisions and other units liberated the Dora Concentration Camp at Nordhausen; and

Whereas, in 1993, Mme. Claire Materne-Pahaut's history class in Viemme, Belgium, undertook the task of researching and writing the history of Dora, not only to obtain a more personal appreciation of World War II, but also to keep alive the memory of their many countrymen who labored, suffered, and died at Dora; and

Whereas, the work of the Mme. Materne-Pahaut's class culminated with the publication of the book, Dora, the Camp of Silence, which has received a great deal of recognition, including an award from the prestigious King Baudouin Foundation in Brussels; and

Whereas, the students and Mme. Materne-Pahaut have raised money for a trip to Springfield, Illinois, to thank the surviving veterans of the Corps who served in Belgium and liberated Dora;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 29, 1996, as AMERICAN-BELGIAN FRIENDSHIP DAY in Illinois.

Issued by the Governor October 7, 1996.

Filed by the Secretary of State October 18, 1996.

#### 96-523

##### COUNTRY MUSIC DAY

Whereas, the Illinois Country Music Association (ICMA) was founded to promote country, gospel, bluegrass, and western music in our state; and

Whereas, the ICMA believes in the recognition of musical achievements of Illinois artists and the entertainment of fans; and

Whereas, ICMA is celebrating its anniversary with the Seventh Annual Awards Show on October 13 at the Bloomington High School Auditorium. During the show, the Illinois Country Music Entertainer of the Year will be awarded; Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim

October 13, 1996, as COUNTRY MUSIC DAY in Illinois.

Issued by the Governor October 7, 1996.

Filed by the Secretary of State October 18, 1996.

#### 96-524

##### DR. EMMETT C. BURKE DAY

Whereas, Dr. Emmett C. Burke was a multidimensional man who was an educator, humanitarian, and civic leader; and

Whereas, over the span of 31 years, Dr. Burke taught at Franklin Elementary School and served as Assistant Principal of William Carter Elementary School; and

Whereas, Dr. Emmett C. Burke helped found the Chicago African-American Teachers Association (CATA), to address the concerns of African-American teachers; and

Whereas, Dr. Burke was also an expert in the field of special education. As a result of this expertise, Dr. Burke founded the Black Caucus of the Illinois Council for Exceptional Children; and

Whereas, Dr. Burke was active in many professional, civic, community and social organizations: Ada S. McKinley, Inc.; National Association of Black Professors; National Association for the Advancement of Colored People; Chicago Urban League; Operation Push; South Shore Cultural Center Advisory Council; Washington Park YMCA; United Black Voters of Illinois; and many more; and

Whereas, to recognize Dr. Emmett C. Burke's years of untiring devotion to students, teachers, administrators, and parents, the library of the William Carter Elementary School in Chicago, Illinois, will be named in his memory;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 24, 1996, as DR. EMMETT C. BURKE DAY in Illinois.

Issued by the Governor October 7, 1996.

Filed by the Secretary of State October 18, 1996.

#### 96-525

##### KEY CLUB WEEK

Whereas, Key Club International, a high school service organization sponsored by Kiwanis International, is comprised of more than 7,000 high school students in approximately 150 schools across the state; and

Whereas, local members are part of an international organization of more than 180,000 students dedicated to serving their homes, schools and communities; and

Whereas, through their service efforts, Key Club members have built better communities while improving their own leadership skills for the future; and

Whereas, Key Club members promote the adoption of higher standards in scholastics, sportsmanship and social contacts; and

Whereas, each member annually performs at least 50 hours of service to his or her home, school and community providing a positive impact on our state and its citizens; and

Whereas, the 1996-97 Key Club International theme and major emphasis program, "Lead the Way - Kids First" challenges Key Club members to provide positive examples and leadership to our state's youngest children;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim

November 3-9, 1996, as KEY CLUB WEEK in Illinois and call upon the officials of this state and all citizens to provide support to the Key Club members who are preparing themselves to be better, more responsible citizens while providing commendable service to their communities.

Issued by the Governor October 7, 1996.

Filed by the Secretary of State October 18, 1996.

## 96-526

## LASALLE BANKS CHICAGO MARATHON WEEK

Whereas, the LaSalle National Bank and 30 other sponsors are supporting the 19th annual LaSalle Banks Chicago Marathon & 5K Run which will be held on October 20, 1996; and

Whereas, more than 16,000 entrants from all over the world will compete in the marathon, 5K run and wheelchair marathon; and

Whereas, approximately 300,000 spectators will line 26.2 miles of the streets of Chicago, from Grant Park to Lincoln Park to South Commons;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 14-20, 1996, as THE LASALLE BANKS CHICAGO MARATHON WEEK in Illinois.

Issued by the Governor October 7, 1996.

Filed by the Secretary of State October 18, 1996.

## 96-527

## QUALITY MONTH

Whereas, in order to foster a competitive market and provide the foundation for a vital and stable Illinois economy, it is paramount that the values and ideas surrounding the concept of Continuous Quality Improvement be heralded as Illinois' first order of business; and

Whereas, the key to providing the highest quality products and services is a continuous process of self evaluation. All organizations, large or small, must strive for and make a commitment to a Continuous Improvement Process so as to improve Illinois' quality of life, to make it a state where organizations want to operate and where its citizens wish to live; and

Whereas, in keeping with the concepts of continuous improvement and quality excellence, the State of Illinois recognizes October as Quality Month and the following organizations for their commitment to The Lincoln Foundation for Business Excellence and to the Continuous Improvement Process:

Advocate Health Care

Amoco Corporation

Arc Ventures L.L.C.

Caterpillar, Inc.

Citibank

Commonwealth Edison Company

Deere & Co.

Deloitte & Touche Consulting Group

First Chicago NBD Corporation

The First National Bank of Chicago

American National Bank

The Grainger Foundation

Price Waterhouse LLP

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 1996 as QUALITY MONTH in Illinois.

Issued by the Governor October 7, 1996.

Filed by the Secretary of State October 18, 1996.

## 96-528

## SLOVENIAN DAY

Whereas, October 26, 1996, Slovenians around the world will celebrate the 78th anniversary of the independence of their European homeland; and

Whereas, 1996 marks the 46th anniversary of the Slovenian Day Festival in Illinois; and

Whereas, Slovenian Day is a celebration of Slovenian artists, folklore, singing, dancing, and crafts; and

Whereas, thousands of Slovenian-Americans have been living in Illinois for generations and have contributed much to the progress and development of the state; and

Whereas, a special independence day program will be shared by all Illinois citizens on October 26, 1996;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 26, 1996, as SLOVENIAN DAY in Illinois.

Issued by the Governor October 7, 1996.

Filed by the Secretary of State October 18, 1996.

## 96-529

## STANDARD MUTUAL INSURANCE COMPANY DAY

Whereas, Standard Mutual Insurance Company was founded in 1921 by Frank Roberts to protect drivers on Illinois highways; and

Whereas, Mark O. Roberts, Sr. joined his father in business in 1934, and served as president from 1953-1992; and

Whereas, Mark O. Roberts, Jr. joined the firm in 1969, becoming the third generation of continuous Roberts' management, and became president in 1992; and

Whereas, Standard Mutual Insurance Company has expanded to include regional offices in Oak Brook, Illinois, Indianapolis, Indiana, and Evansville, Indiana; and

Whereas, Standard Mutual Insurance Company will celebrate its 75th anniversary on November 17, 1996;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 17, 1996, as STANDARD MUTUAL INSURANCE COMPANY DAY in Illinois.

Issued by the Governor October 7, 1996.

Filed by the Secretary of State October 18, 1996.

## 96-530

## VERNON R. LOUCKS, JR. DAY

Whereas, Vernon R. Loucks, Jr. has been instrumental in the development of business relations between the United States and Israel; and

Whereas, Vernon R. Loucks, Jr. is Chairman and Chief Executive Officer of Baxter International Inc. which, through its subsidiaries, is the leading manufacturer and marketer of health-care products, systems and services worldwide; and



Whereas, Mr. Loucks and Baxter International have been trade partners with Israel for 25 years and because of this long-standing relationship, Baxter International is co-sponsoring the U.S.-Israel Healthcare Business Exchange with the American-Israel Chamber of Commerce & Industry in Deerfield, Illinois; and

Whereas, Mr. Loucks has participated in activities such as the Business Council, the Healthcare Leadership Council, the Chicago Commonwealth Club, and the Mid-America Club. For his contributions, Mr. Loucks has received numerous awards, such as the Saint Barnabas Burn Foundations' Distinguished Humanitarian Award and the Alexis de Tocqueville Award for lifetime community service by United Way of Lake County;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 20, 1996, as VERNON R. LOUCKS, JR. DAY in Illinois.

Issued by the Governor October 7, 1996.

Filed by the Secretary of State October 18, 1996.

#### 96-531

#### WORLD FOOD DAY

Whereas, millions of people throughout the world experience hunger and malnutrition daily; and

Whereas, children suffer the most adverse effects of hunger and malnutrition; and

Whereas, the United States is the world's largest producer and exporter of food and agricultural technology, and it assumes a key role in improving human nutrition among the less developed countries; and

Whereas, Illinois is a national and international leader in food production, food processing, agricultural exports, and related technology, which allows it to contribute significantly to the global food system;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 16, 1996, as WORLD FOOD DAY in Illinois.

Issued by the Governor October 7, 1996.

Filed by the Secretary of State October 18, 1996.

#### 96-532

#### COMMUNITY COORDINATED CHILD CARE, 25 YEARS FOR CHILDREN DAY

Whereas, Community Coordinated Child Care was established 25 years ago as a non-profit agency to serve the counties of Carroll, Dekalb, Lee, Ogle, and Whiteside; and

Whereas, Community Coordinated Child Care promotes cooperation, coordination and sharing of resources to achieve quality child care services in Carroll, Dekalb, Lee, Ogle, and Whiteside; and

Whereas, Community Coordinated Child Care has emerged as an advocate for children in these counties, the State of Illinois, and nationwide; and

Whereas, Community Coordinated Child Care has implemented programs such as Temporary Child Care, Child and Adult Care Food programs and financial assistance for child care; and

Whereas, Community Coordinated Child Care has provided services such as child care resource and referral, nursing and social work for families and children, as well as parental education through classes, workshops and seminars; and

Whereas, Community Coordinated Child Care has educated child care providers in their community by providing training for caregivers and technical assistance for child care providers and employers, and maintaining a resource library;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 18, 1996, as COMMUNITY COORDINATED CHILD CARE, 25 YEARS FOR CHILDREN DAY in Illinois.

Issued by the Governor October 8, 1996.

Filed by the Secretary of State October 18, 1996.

#### 96-533

#### FAMILY AND CONSUMER SCIENCES WEEK

Whereas, the American Association of Family and Consumer Sciences (AAFCS) is comprised of elementary, secondary, and post-secondary educators, cooperative extension educators and other professionals in government, business, and non-profit agencies; and

Whereas, AAFCS focuses on an integrative approach to the relationships among individuals, families and communities, as well as the environments in which they function; and

Whereas, the goal of AAFCS is to improve the quality of individual, family and community life through education, research, cooperative programs and public information; and

Whereas, the Illinois Association of Family and Consumer Sciences will hold its annual conference the week of October 20-26, as well as celebrate its 75th anniversary on October 25;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 20-26, 1996, as FAMILY AND CONSUMER SCIENCES WEEK in Illinois.

Issued by the Governor October 8, 1996.

Filed by the Secretary of State October 18, 1996.

#### 96-534

#### GEORGE KHOURY ASSOCIATION OF BASEBALL LEAGUE, INC. DAY

Whereas, the George Khoury Association of Baseball League, Inc. is one of the oldest youth organizations in the United States; and

Whereas, Khoury Leagues are established throughout Illinois as well as multiple states and in foreign countries; and

Whereas, Khoury League has been an important contributor to the children of the United States, helping foster confidence, team-spirit, and athleticism; and

Whereas, Khoury League will celebrate its 60th anniversary with an awards banquet and dinner on November 23, 1996;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 23, 1996, as GEORGE KHOURY ASSOCIATION OF BASEBALL LEAGUE, INC. DAY in Illinois.

Issued by the Governor October 8, 1996.

Filed by the Secretary of State October 18, 1996.

#### 96-535

#### HELEN AND LAWRENCE MCTAGGART CONGRATULATED

Whereas, Helen Corbett and Lawrence McTaggart were united in marriage on November 28, 1936, in Hardin, Illinois; and

Whereas, Helen and Lawrence are citizens of Watseka, Illinois, and have lived there since 1952; and

Whereas, Helen and Lawrence are the parents of 16 children: William of Breese, Illinois; Virginia Carr (Ernie) of Eagan, Minnesota; James (Connie) of Roswell, Georgia; Lawrence, Jr. (Mary) of Onarga, Illinois; Charles, deceased; Paul (Linda) of Watseka, Illinois; Jane Benz (Ned) of Cincinnati, Ohio; Mary Walsh (Mike) of Lincoln, Nebraska; Teresa Braden (Jock) of Watseka, Illinois; Margaret Feller (Randy) of Hoopeston, Illinois; Dennis (Carol) of Urbana, Illinois; Diane McShane (John) of South Bend, Indiana; Terry (Gwen) of Watseka, Illinois; Pat of Watseka, Illinois; Richard (Kathy) of Watseka, Illinois; and Carol Recthiene (Tom) of University City, Missouri; and

Whereas, Lawrence graduated from the University of Illinois College of Agriculture in 1940; he was a farmer and also a director of the Production Credit Association and the Federal Farm Credit Association, and he served as a representative for "Hands Across the Sea" for the United States Department of Agriculture; and

Whereas, Helen enjoys spending time with her many grandchildren; and Whereas, Helen and Lawrence will celebrate their 60th wedding anniversary on November 28, 1996;

Therefore, I, Jim Edgar, Governor of the State of Illinois, extend best wishes and sincere congratulations to Helen and Lawrence McTaggart on their wedding anniversary.

Issued by the Governor October 8, 1996.

Filed by the Secretary of State October 18, 1996.

#### 96-536

##### SPARTA INTERNATIONAL PRINTING COMPANY DAY

Whereas, there exists more than 3,500 printing companies in the State of Illinois; and

Whereas, the State of Illinois is the second largest producer of printed material in the United States; and

Whereas, the printing sector is one of the largest manufacturing employers in the State of Illinois, with some 80,000 employees shipping more than \$10 billion in goods each year; and

Whereas, Grupo Serla, S.A. de C.V. (Grupo Serla as a variable corporation) was established as a stock company with variable capital on June 6, 1994, in Mexico City, Mexico, with the primary function of printing, editing and publishing books, magazines and pamphlets; and

Whereas, Grupo Serla, realizing the need to expand into new and foreign markets, looked to Illinois for expansion and opportunities in the global marketplace; and

Whereas, the City of Sparta, the County of Randolph and the State of Illinois, realizing the need to attract and maintain new businesses within the City of Sparta, worked together to assist Grupo Serla's purchase of the former Spartan Printing Company assets; and

Whereas, Grupo Serla, now formally recognized as Sparta International Printing Company, commenced production on September 30, 1996; and

Whereas, Sparta International Printing represents the best qualities of the Illinois business community: high quality products and a workforce which

ranks second to none; and

Whereas, Sparta International Printing Company finished preparation of its first shipment of "All Roads Lead to Branson: Holiday Edition" on October 2, 1996; and

Whereas, today, October 10, 1996, marks the official commencement of production at Sparta International Printing Company;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 10, 1996, as SPARTA INTERNATIONAL PRINTING COMPANY DAY in Illinois.

Issued by the Governor October 8, 1996.

Filed by the Secretary of State October 18, 1996.

#### 96-537

##### TOYS FOR TOTS MONTHS

Whereas, since 1947, the Marine Corps Reserve has conducted an annual Toys for Tots program to provide Christmas toys to needy children; and

Whereas, the Toys for Tots program has grown from a local collection effort to a nationwide program now distributing more than 8,000,000 new toys annually to more than 8,000,000 needy children; and

Whereas, donors, volunteers, workers and sponsors include a broad array of citizens, corporations, small businesses and local officials of public and private groups of this state donating time, toys and funding to help make Christmas a joyful occasion for children in need; and

Whereas, the Marine Corps Reserve coordinates the National Toys for Tots Program, with local units working in concert with local committees throughout this state and recognized social welfare agencies to tailor the campaign to local need; and

Whereas, this steadily growing volunteer program has been, and will continue to be, a source of delight and fulfillment for donors and recipients alike; and

Whereas, this State joins the Marine Corps Reserve in the philosophy that every child deserves a little Christmas;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 6-December 22, 1996, as TOYS FOR TOTS MONTHS in Illinois, and urge all citizens to support this worthy event.

Issued by the Governor October 8, 1996.

Filed by the Secretary of State October 18, 1996.

#### 96-538

##### A DAY FOR ANGELS: ANGELMAN SYNDROME AWARENESS DAY

Whereas, Angelman Syndrome is a genetic disorder first described by an English pediatrician, Dr. Harry Angelman, in 1965; and

Whereas, with familiarity of the disorder, more diagnoses are being made of what was not long ago thought to be an extremely rare disorder; and

Whereas, approximately 1,500 individuals have been identified with Angelman Syndrome in the United States and Canada, and it is believed that more remain undiagnosed or misdiagnosed; and

Whereas, Angelman Syndrome is being researched by numerous professionals in order to more accurately describe its origin, physical signs and symptoms, and behavioral characteristics; and

Whereas, the Angelman Syndrome Foundation and the Angel's Helping Hands



are dedicated to educating and supporting parents and professionals dealing with Angelman Syndrome; and

Whereas, citizens should be made more aware of Angelman Syndrome so that early diagnosis and intervention becomes a top priority;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim December 24, 1996, as A DAY FOR ANGELS: ANGELMAN SYNDROME AWARENESS DAY in Illinois.

Issued by the Governor October 9, 1996.

Filed by the Secretary of State October 18, 1996.

#### 96-539

##### COSMETOLOGY MONTH

Whereas, National Cosmetology Month will be observed in our state and across the country during October 1996 by the 34,000 members of the National Cosmetology Association; and

Whereas, the activities of the National Cosmetology Association benefit community charities and enhance the appearance of our nation's greatest wealth, its people; and

Whereas, the best interest of the people will always receive the first consideration in the conduct of this association; and

Whereas, the association continues to maintain the highest professional skill through attendance and study of professional educational programs and through the latest scientific developments, techniques and products which are beneficial for the best interests of the people; and

Whereas, the theme of 1996 National Cosmetology Month, "For Those Who Care" promotes self worth and personal development;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 1996 as COSMETOLOGY MONTH in Illinois.

Issued by the Governor October 9, 1996.

Filed by the Secretary of State October 18, 1996.

#### 96-540

##### DR. THEODORE CHARLES STONE DAY

Whereas, Dr. Theodore Charles Stone at an early age had to overcome obstacles and learn to be creative in his initiative and commitment to achieve; and

Whereas, Dr. Theodore Charles Stone has been an icon in the music world both here and abroad for many years; and

Whereas, Dr. Theodore Charles Stone has appeared throughout the United States and in several European cities as an accomplished opera singer; and

Whereas, Dr. Theodore Charles Stone has won acclaim from some of the world's recognized music critics for his constant, outstanding performances; and

Whereas, Dr. Theodore Charles Stone's love of music and skill as a performer has led him into many unrelated fields, making him one of Chicago's most versatile personalities; and

Whereas, Dr. Theodore Charles Stone is the former president of the National Association of Negro Musicians, President of the Chicago Music Association and founder of the National Negro Opera Company; and

Whereas, Dr. Theodore Charles Stone is a writer, teacher, promoter,

singer, role model and mentor; and

Whereas, Dr. Theodore Charles Stone was inducted into the Senior Citizens Hall of Fame in 1989;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 10, 1996, as DR. THEODORE CHARLES STONE DAY in Illinois.

Issued by the Governor October 9, 1996.

Filed by the Secretary of State October 18, 1996.

#### 96-541

##### FAMILY FEDERATION FOR WORLD PEACE DAY

Whereas, that Family Federation for World Peace (FFWP) believes that healthy families are the foundation for healthy, well-adjusted nations because the values that promote peace in the world community are a direct extension of the values that promote peace within individual families; and

Whereas, lessons learned from the family can largely determine how people relate in the global family and how they fulfill their roles as citizens of nations and the world; and

Whereas, the FFWP encourages the responsibility of parents to care for and love their children; to guide them morally, physically, intellectually; and to protect them from abuse and exploitation; and

Whereas, the Family Federation for World Peace will hold its inaugural program in Chicago, Illinois, on October 19, 1996;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 19, 1996, as FAMILY FEDERATION FOR WORLD PEACE DAY in Illinois.

Issued by the Governor October 9, 1996.

Filed by the Secretary of State October 18, 1996.

#### 96-542

##### RINGLAND-JOHNSON COMMEMORATED

Whereas, Ringland-Johnson, Inc. was founded in 1946, in Des Moines, Iowa, by Mr. Carroll L. Johnson and Mr. John Ringland; and

Whereas, Ringland-Johnson is a family-run general contractor specializing in commercial, governmental and institutional building construction; and

Whereas, Larry B. Johnson, son of Carroll, joined the company in 1963, and Ringland-Johnson began performing work in Illinois; and

Whereas, the company opened a permanent office in Rockford, Illinois, under the direction of Brent Johnson, son of Larry Johnson and grandson of Carroll L. Johnson; and

Whereas, Ringland-Johnson, Inc. celebrated its 50th anniversary;

Therefore, I, Jim Edgar, Governor of the State of Illinois, commend Ringland-Johnson on this momentous occasion.

Issued by the Governor October 9, 1996.

Filed by the Secretary of State October 18, 1996.

#### 96-543

##### WORLD POPULATION AWARENESS WEEK

Whereas, the world population is confronted with a number of potentially catastrophic environmental problems; and

Whereas, a rapidly growing population and overconsumption are two of the

major causes behind environmental degradation, ecological deterioration, and resource depletion; and

Whereas, studies show that one-half of the women of reproductive age in developing countries want to limit the size of their families but lack the means or ability to gain access to modern family planning methods; and

Whereas, the global community has for more than 20 years recognized the fundamental right of persons to voluntarily and responsibly determine the number and spacing of their children; and

Whereas, in 1993 the United States Senate enacted legislation proclaiming World Population Awareness Week to call attention to the serious consequences of rapid population growth, and requested that the President issued a resolution acknowledging this event;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 27-November 2, 1996, as WORLD POPULATION AWARENESS WEEK in Illinois and urge all citizens of the state to take cognizance of this event and to participate appropriately in its observance.

Issued by the Governor October 9, 1996.

Filed by the Secretary of State October 18, 1996.

## 96-544

## ALICE AND STAN ANDREWS CONGRATULATED

Whereas, Alice Restarski and Stan Andrews were united in marriage on October 19, 1946, at Holy Trinity Church; and

Whereas, Alice and Stan are the parents of two children, Terrie McKissack and Tom Andrews; and

Whereas, Alice and Stan are grandparents of Chris, Michael, Victoria, Vanessa, Jessica, and Luke; and

Whereas, Stan is a retired CTA bus driver and is a veteran of World War II where he served in the U.S. Army; and

Whereas, Alice is a department manager of Bankers' Life Insurance; and

Whereas, Alice enjoys baking and gardening, and Stan enjoys golfing and gardening; and

Whereas, Alice and Stan will celebrate their 50th wedding anniversary on October 19, 1996;

Therefore, I, Jim Edgar, Governor of the State of Illinois, extend best wishes and sincere congratulations to Alice and Stan Andrews on their golden wedding anniversary.

Issued by the Governor October 10, 1996.

Filed by the Secretary of State October 18, 1996.

## 96-545

## FAMILY PRAYER WEEK

Whereas, it is important for families to unite with each other in order to strengthen moral and spiritual values; and

Whereas, some families choose to unite through prayer and worship; and

Whereas, Louise Kabat, Mother of the Year, requests that a week be designated so that families in Illinois will take time to pray for family unity and moral and spiritual values;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 24-30, 1996, as FAMILY PRAYER WEEK in Illinois.

Issued by the Governor October 10, 1996.  
Filed by the Secretary of State October 18, 1996.

## 96-546

## MEXICAN AMERICAN CHAMBER OF COMMERCE DAY

Whereas, the Mexican American Chamber of Commerce of Illinois, Inc. is celebrating its Sixth Annual Awards and Scholarship Celebration Banquet on October 18, 1996, to celebrate the economic contributions and accomplishments of the Mexican-American entrepreneur; and

Whereas, the Mexican American Chamber of Commerce of Illinois, Inc. serves to foster economic business opportunities for the Mexican-American community within the City of Chicago and the State of Illinois; and

Whereas, the Mexican American Chamber of Commerce of Illinois, Inc. will be promoting higher education and providing academic scholarships to deserving youth;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 18, 1996, as MEXICAN AMERICAN CHAMBER OF COMMERCE DAY in Illinois.

Issued by the Governor October 10, 1996.

Filed by the Secretary of State October 18, 1996.

## 96-547

## OSTEOPATHIC MEDICINE WEEK

Whereas, for more than 100 years, the osteopathic medical profession has been dedicated to preserving good health for all Americans; and

Whereas, osteopathic health care is a distinctive branch of mainstream medical care, and Illinois Doctors of Osteopathy are fully licensed physicians who stress the unity of all body systems and emphasize the importance of the musculoskeletal system; and

Whereas, osteopathic physicians and hospitals are concerned with meeting the health needs of the whole person and the whole family and offer preventive medical services; and

Whereas, we should recognize the need for the latest technology and for caring physicians committed to family practice, modern health care, and the entire person in treating illnesses;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim November 3-9, 1996, as OSTEOPATHIC MEDICINE WEEK in Illinois, in accordance with the national observance.

Issued by the Governor October 10, 1996.

Filed by the Secretary of State October 18, 1996.

## 96-548

## PHANTOM REGIMENT DRUM AND BUGLE CORPS CONGRATULATED

Whereas, the Phantom Regiment Drum and Bugle Corps has been active for 25 years; and

Whereas, the Phantom Regiment Drum and Bugle Corps of Rockford-Loves Park is committed to furthering the talents and interest of young persons in the art of musical marching units; and

Whereas, the Phantom Regiment Drum and Bugle Corps has been an extremely successful organization; and

Whereas, the Phantom Regiment Drum and Bugle Corps tied for first place



in the Drum Corps International World Competition;

Therefore, I, Jim Edgar, Governor of the State of Illinois, extend sincere congratulations to the Phantom Regiment Drum and Bugle Corps on their outstanding performance.

Issued by the Governor October 10, 1996.

Filed by the Secretary of State October 18, 1996.

#### 96-549

##### STUDENT COUNCIL WEEK

Whereas, student councils across our state encourage students to take on a leadership role among their peers and help them develop skills to prepare for future success; and

Whereas, extra-curricular activities such as student council allow students to maintain an adequate balance between academics and out-of-classroom experiences; and

Whereas, many leaders within our state and nation can trace their roots back to student council throughout their schooling; and

Whereas, the Illinois Association of Student Councils (IASC), working to maintain the integrity of student councils across our state, is holding a convention May 1-3, 1997; and

Whereas, this convention allows student leaders from across the state of Illinois to exchange ideas and experience leadership training; and

Whereas, students' leaders, in addition to the IASC, should be commended for their continued hard work and efforts;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim April 27-May 3, 1997, as STUDENT COUNCIL WEEK in Illinois.

Issued by the Governor October 10, 1996.

Filed by the Secretary of State October 18, 1996.

#### 96-550

##### UNIVERSITY LABORATORY HIGH SCHOOL DAY

Whereas, University Laboratory High School was established September 12, 1921, in Urbana, Illinois; and

Whereas, University Laboratory High School graduates have grown up to serve their communities in many capacities, such as volunteers, educators, film producers, physicians, mayors, computer programmers, journalists, scientists, artists, entrepreneurs, environmentalists, and federal and circuit court judges; and

Whereas, the more than 3,000 graduates of University High have included three Nobel Prize laureates: Philip W. Anderson, for physics in 1977; Hamilton O. Smith, for medicine in 1978; and James Tobin, for economics in 1981; and two Pulitzer Prize winners: Tina Howe, playwright and George Will, newspaper/magazine columnist; and

Whereas, serving as the proving ground to "The New Math," Uni students and teachers have helped change state and national curriculums in mathematics; and

Whereas, University Laboratory High School is celebrating its 75th anniversary with a reunion on October 18, 1996;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim October 18, 1996, as UNIVERSITY LABORATORY HIGH SCHOOL DAY in Illinois.

Issued by the Governor October 10, 1996.

Filed by the Secretary of State October 18, 1996.

Rules acted upon during the quarter of October 1 through December 31, 1996 are listed in the Issues Index by Title number, Part number and Issue number. For example, 50 Ill. Adm. Code 4401 published in Issue 40 will be listed as 50-4401-40. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or jnatala@ccgate.sos.state.il.us (Internet address).

**PROPOSED**

**ADOPTED**

4-1100-40  
8-85-40  
8-260-45  
11-502-40  
11-1403-40  
17-590-40  
20-701-44  
14-130-44  
23-120-42  
17-2520-45  
23-1501-45  
23-3060-40  
23-3040-43  
32-609-43  
26-216-44  
35-211-44  
35-370-40  
35-732-43  
35-219-45  
50-855-45  
50-4401-40  
50-6301-40  
56-2770-43  
56-2920-43  
59-112-42  
59-113-42  
59-115-42  
59-119-42  
62-240-43  
77-672-41  
77-682-41  
77-845-41  
77-2090-45  
80-310-41  
80-1650-45  
80-3100-42  
86-130-44  
86-140-44  
86-435-44  
86-480-40  
89-111-40  
89-112-41  
89-121-41,43  
89-141-41  
89-160-43  
89-165-41  
89-170-43  
89-240-42  
89-676-43  
89-679-43  
92-14  
92-1205-42

**EMERGENCY**

26-216-44  
38-190-40  
89-121-41,42  
89-160-43  
89-165-41

**PEREMPT.**

80-310-41





**ILLINOIS REGISTER**  
**ADMINISTRATIVE CODE ORDER FORM**

PLEASE USE THIS FORM FOR ALL ORDERS OR TO NOTIFY US OF A CHANGE OF ADDRESS. ALL ORDERS MUST BE PAID IN ADVANCE BY CHECK, MONEY ORDER, VISA OR DISCOVER CARD. CHECKS AND MONEY ORDERS MUST BE PAYABLE TO THE "SECRETARY OF STATE".

MICROFICHE SETS OF THE ILLINOIS REGISTER @\$200.00 PER SET.  
\_\_\_1977-1978\_\_\_1979\_\_\_1980\_\_\_1981\_\_\_1982\_\_\_1983\_\_\_1984\_\_\_1985\_\_\_1986\_\_\_  
\_\_\_1987\_\_\_1988\_\_\_1989\_\_\_1990\_\_\_1991\_\_\_1992\_\_\_1993\_\_\_1994\_\_\_1995\_\_\_

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